



BURUNDI UNDER SIEGE

Lift the Sanctions; Re-Launch the Peace Process

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Executive Summary

Burundi has spent the most part of the past five years embroiled in a vicious civil war that has so far claimed more than 200,000 lives and triggered massive movements of refugees and displaced persons and which continues to add to instability throughout the Great Lakes region. Since July 1996, the country has been largely cut off from the outside world, following the decision by neighbouring countries in the region to impose harsh economic sanctions in response to the overthrow of Burundi's coalition government by the Tutsi-dominated military.

The swift response of regional leaders to the Burundi coup in July 1996 and their show of resolve to force the military government, led by Major Pierre Buyoya, to restore multiparty democracy and enter into all-party talks on the future of the country is undeniably impressive. Meeting within five days of the military's seizure of power, the leaders of Tanzania, Kenya, Uganda, Rwanda, Zaire and Ethiopia agreed to impose uniform sanctions on Burundi, issued a list of specific demands that the Burundian government would have to meet for the sanctions to be lifted and gave their full backing to former Tanzanian president Julius Nyerere's efforts to mediate a settlement to the crisis.

The wider international community, including the United States and key European states, greeted the efforts of regional leaders to impose a solution on Burundi through a combination of economic pressure and negotiations with barely disguised relief. Western governments, still haunted by their failure to do more to prevent the Rwanda genocide of 1994 in which almost a million people lost their lives, lent strong political and financial support to the regional leaders and, specifically, to former president Nyerere as the regional peace-broker. At the time, the speed and unity of the regional response to events in the Burundian capital, Bujumbura, seemed to auger well for the future. It became common to hear US and European politicians arguing that the determination of leaders in the Great Lakes region to impose a peace process on Burundi was evidence that Africans were increasingly taking on responsibility for solving their own problems.

20 months on, the situation remains far from resolved. While the swift response of regional leaders to the coup in Burundi undoubtedly had an immediate and positive impact on the political situation inside Burundi – leading within weeks to a lifting of the

ban on political parties and the restoration of the country's Parliament – the main objectives of regional and international policy have yet to be achieved. Burundi's military government remains in place; violence continues, albeit at a lower rate than before the coup; and while there is evidence of a limited *rapprochement* between key parties within Burundi, including between the Government and the Parliament, genuine peace talks have yet to begin. Meanwhile, Nyerere's regional peace process remains at a standstill against a backdrop of mutual recriminations and allegations that the mediator's neutrality has been compromised by his support for punitive sanctions on Burundi. The embargo, originally intended as a regional policy, has evolved into a personal feud between the former Tanzanian president and the president of Uganda on the one hand and Buyoya on the other. As hopes of a breakthrough fade, Burundi's neighbours have become increasingly divided on what measures to take to break the deadlock.

The present report, compiled by an ICG field analyst based in Bujumbura, provides an assessment of the current situation in Burundi and the region. In particular it examines the key changes during the 20 months since the 1996 coup. It weighs up the performance of the Buyoya military government in restoring security and opening up dialogue between Burundi's factions and looks in detail at the impact of the economic embargo on the peace process, both within the country and in the region.

The report catalogues a number of serious obstacles that reduce the Burundi government's room for manoeuvre and limit the chances of progress towards productive all-party negotiations on the country's future. These include:

- a radicalisation of some elements of the army and Tutsi community who fear pressure from the region may force the government into making concessions that compromise the security of the Tutsi minority;
- fragmentation of the government's political base, with deep divisions within the Tutsi-dominated UPRONA party
- splits in the opposition, within the Hutu-dominated FRODEBU party and between the political opposition parties and armed elements;
- the threat of an active rebellion, and
- a crisis of confidence in the country's judicial system, making it impossible for those guilty of past atrocities to be tried and the culture of impunity to be tackled.

The report criticises the refusal of regional leaders not to consider changing tack in the face of mounting evidence that their emphasis on economic sanctions as a means of forcing Burundi's parties into an open, regionally-brokered peace process has failed to deliver the desired results. As the report points out, the sanctions policy has:

- not removed the president from power;
- made Burundi's poor poorer – by inflicting widespread human suffering and economic squalor on the most vulnerable and deprived sections of Burundian society; and made the rich richer – by creating opportunities for extortion rackets, corruption and highly-profitable black market economic activities;

- failed to exert significant economic hardship on members and supporters of the government and the military, who can by and large afford inflated prices;
- not strangled the Burundian economy which still functions, albeit unreliably, by virtue of illegal smuggling, corruption and a thriving black market;
- narrowed Buyoya's political base, marginalising moderates and radicalising certain elements within the army and the minority Tutsi community by adding to their sense of persecution and vulnerability;
- undermined the regional peace process by seriously damaging the relationship between Burundi and the other countries of the region
- made compromise less not more likely by forcing the Burundi government to choose between caving into regional demands, and therefore losing all face, or standing firm and handling the crisis internally (a winner/loser scenario); and
- shifted the focus of peace-making efforts away from the content of negotiations and instead onto the nature of the negotiating process – tying the lifting of the embargo to the start of a regionally-led external peace process.

Recommendations:

The priority for regional leaders and the wider international community must be to help re-launch negotiations between Burundi's opposing factions and to initiate a genuine transition process. To achieve this objective, ICG believes that the economic blockade imposed on Burundi by countries of the region following the 1996 coup must be lifted. At the same time, a number of steps should be taken to create conditions necessary for constructive dialogue. None of the parties to the conflict should be left with any excuse to justify boycotting the talks. Arguments about a regional versus a national approach to dialogue should be put aside once and for all so that attention can shift to the actual agenda to be discussed. In the event the peace process collapses again, the international community will need to consider further measures, including freezing of the overseas assets and restricting travel for the governing elite.

Specifically, the report carries the following recommendations:

1. Support the establishment of a transition government

In June 1998, the term of the National Assembly expires. In July 1999, the three year transition period declared by Buyoya following the July 1996 coup, comes to an end. The international community should therefore be ready to support the establishment of a transition government tasked with overseeing and contributing to the process of internal dialogue and with taking part in the external, regional peace process.

2. Support the internal process of dialogue within Burundi

An internal dialogue between all the parties to Burundi's conflict is an essential component of the wider peace process. Dialogue needs to be strengthened,

broadened and deepened. It should be underpinned by measures designed to build the confidence of all factions of society in the peace process. This will take time and require an imaginative approach. Initiatives that might be considered include exchanges between representatives of Burundian society and those of other societies affected by conflict; financing seminars that bring together opposing groups to explore options for peaceful co-habitation; support for reconciliation projects; the dispatch of multi-ethnic delegations to the countryside to explain the process to local communities and seek their views.

3. Lift the sanctions

The negative effects of the economic blockade have come to outweigh any positive effects it may have had. Continuing further with the same policy risks hindering the process of internal dialogue, fuelling extremist elements in Burundi society and contributing to a dangerous destabilisation of the situation.

4. Re-launch the peace process

- **A regional summit should be convened at Arusha** as soon as possible: the regional leaders will not agree to lift the economic blockade until negotiations begin officially in Arusha.
- **Sub-committees should be created to focus on specific issues to be included in the negotiation process.** Each sub-committee should be presided by co-mediators. The set of issues agreed during preliminary talks in Rome should be used as the basis on which to structure the agenda. The co-mediators should adhere strictly to the principle of neutrality, they should not actively advocate one solution or another and should seek to build up the trust of all participants. The co-mediators should be Africans but not drawn from the countries of the region.
- **Once negotiations have begun, the venue should be moved away from Tanzania**, which is no longer seen as neutral territory by all the potential participants. Recent conferences hosted by UNESCO in Paris and by Synergies Africa in Fribourg have shown that the parties are ready to meet outside of Arusha.

5. Provide international assistance to strengthen the judicial system

The issue of impunity needs to be addressed as a matter of urgency. The constant recall of past killings and exchanges of accusations of atrocities is an obstacle to reconciliation and dialogue. In the absence of a functioning International Criminal Court or an Ad Hoc War Crimes Tribunal for Burundi, consideration should be given to the establishment of a Truth Commission based on the South African model or a Research Commission tasked with investigating all massacres since independence.

In addition, the international community should be ready to send both financial and technical assistance to help improve the functioning and strengthen the independence of the judiciary. In the short-term, the emphasis should be on sending judicial observers and trainers to help demonstrate the separation of judicial and executive powers. In the longer-term, reform the recruitment and

education of judges and lawyers of both communities will be necessary to help re-balance the judiciary and build public trust in the system.

6. Review development assistance programs

Development assistance aid has an important role to play in helping to rebuild Burundi, restart economic activity and lay the basis of future, stable development. To avoid the risk that funding might be diverted into military or security force budgets, donors should seek to distribute aid at a local level, through, for example selective, direct investment in micro agricultural projects, infrastructural projects in the more stable provinces, small enterprises, diversification of production, employment creation programs, civil society organisations and independent media projects.

7. Facilitate the repatriation of Burundian refugees in Tanzania

Repatriation of Burundian refugees currently sheltering in Tanzania would remove an important source of tension in the relationship between Burundi and Tanzania. A repatriation program has been agreed already by the two countries and the UNHCR. This should be implemented as soon as practicable.

International Crisis Group
Bujumbura, Burundi
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I. Introduction

In 1994, the genocide of a million Tutsi by the Rwandan government and militia turned the spotlight on to neighbouring Burundi, which, because of similarities in history and ethnic make-up, seemed destined to suffer the same fate. Burundi has been embroiled in a four and a half year civil war, during the course of which more than 200,000 people have died and hundreds of thousands of refugees have fled to the neighbouring countries¹.

On 21 October 1993, army officers assassinated Melchior Ndadaye, the first Hutu president in the history of Burundi to be elected by universal suffrage, together with parts of his government, who had been elected in June that year². The president's assassination gave rise to a terrible outbreak of violence in the country, beginning with large scale Hutu massacres of the minority Tutsi and followed soon after by the Tutsi-dominated army's bloody retaliation against the Hutu population. In January 1994, a power-sharing arrangement was negotiated, which led to the election of Cyprien Ntaryamira by the Parliament. Cyprien Ntaryamira was later killed in the plane crash with the Rwandan president Juvénal Habyarimana on 6 April 1994. New negotiations produced the Government Convention signed by twelve political parties in September 1994. However, this agreement gave the presidency to the Hutu-dominated FRODEBU party (Front pour la Démocratie du Burundi), which won the 1993 elections and Prime Ministership to the Tutsi-dominated UPRONA party (Union de Progrès National), which came into being with independence. The veto system resulting from this led to a complete paralysis of presidential and parliamentary power and loss of control of the army by the gut. Quickly discouraged by the impotence of the civilian government in the face of the Tutsi parties and the army, some of the Hutu politicians decided to rejoin the armed rebel groups such as the CNDD (Council for the Defence of Democracy), Frolina (National Liberation Front) and Palipehutu (Hutu People's Liberation Front). The army responded to the growing threat of guerrilla infiltration in the country by terror campaigns against the population and by ethnic cleansing in certain areas, including the capital, Buyumbura. This climate of violence led the government in Burundi to seek a regional military intervention in the spring of 1996. This was the situation on 25 July 1996 when Major Pierre Buyoya, who had previously been in power between 1987 and 1993, overthrew the then President Sylvestre Ntibantunganya to become Head of State.

The *coup d'Etat* in July 1996 led to the other countries in the region, Tanzania, Kenya, Uganda, Rwanda, Zaire and Ethiopia, who had been in regional consultation since the end of 1995, imposing sanctions on Burundi. The regional position was that Pierre Buyoya's government should return to a constitutional form of rule, based on multi-party politics which the new President himself first outlined back in 1992. A new solution was to be tried: for the first time the main objective was to involve all parties in negotiations. In imposing sanctions the countries of the region were, for the first time, taking a confrontational approach to the military government in Burundi.

Motivated by guilt at not having reacted in time to the situation in Rwanda, the international community's reaction to Burundi's crisis has been disproportionate for a

¹The opposing factions in this war are the Tutsi, who represented 15 percent of the population and who had been in political and military power since independence and the Hutu, who represented 85 percent of the population.

² The President and Vice-President of the National Assembly, the Minister of Interior, the General Administrator of Documentation services were killed with the President.

country of Burundi's strategic importance. Starting in 1993 an strategic importance and especially from 1994, a dozen special envoys and mediators, and many non-governmental international agencies tried to prevent an outbreak of genocide³ and find a solution to the Burundi problem. The Secretary General of the United Nations proposed sending a multinational peace-keeping force. Given the complexity of the situation, however, it was difficult to foresee who would be killing whom. Excluded from government since independence, the Hutu demanded adequate representation in government, administration, the army, education and state enterprises. Having won the 1993 elections and been removed from power once again by the army in 1996, they wanted a return to the democratic system which had put them in power in 1993. For their part the Tutsi justified their hold on power by arguing that a Tutsi-dominated army was the best defence against genocidal ideology. The conflict between the two moved from the field of political debate to the battlefield, to the various negotiation processes. The Hutu were fighting for "democracy" which, for the minority Tutsi meant extermination. The Tutsi were fighting against a genocidal ideology, which justified excluding the Hutu from power.

In spite of the efforts of the international community and large scale investment in humanitarian aid, various attempts to solve the problem by power-sharing agreements ended in failure. By 1996 violence was escalating at an alarming rate and mutual fear hampered any attempt at resolution and reduced the opportunity for dialogue. In short order, the complexity of the Burundi problem and its resistance to international pressure had exhausted financial backers and the international political elite. In March 1996, the second regional summit in Tunis, organised by the former American president, Jimmy Carter, charged Julius Nyerere, former president of Tanzania, along with the neighbouring countries, with finding a solution to the Burundi problem. Hopes were momentarily raised but, from October 1996 onwards, the spotlight was turned from Burundi to focus on the spectacular advance of Laurent-Désiré Kabila's army towards Kinshasa.

Today the peace process has once again collapsed due to continuing sanctions, the deterioration of relations between Burundi and the neighbouring countries, especially Tanzania, which is accused of allowing Hutu extremists to operate out of the refugee camps located at the border, allegations of Tanzanian partiality in mediation by one party and the suspected growth of a multinational rebel army in the Great Lakes region.

The aim of this report is to review the current situation and to assess the achievements of the Buyoya II government, half way through its three year mandate. Has the Buyoya government succeeded in establishing legitimacy at home and abroad? Is the government moving towards a peaceful solution? Where are the internal negotiations leading? What of the regional peace process and the impact of the embargo? Given the domestic situation in Burundi, Is the embargo helping or hindering the peace process?

The report is the product of a two month field survey in Burundi, using interviews with various special envoys, government representatives, international organisations, non-governmental organisations, the media and the Burundian diaspora. It starts with a report on the relations between Burundi and the regional governments since July 25th

³The former United Nations Secretary General Boutros Boutros Ghali has referred several times to a "genocidal trend" in Burundi; Madeleine Albright mentioned in February 1996 that Burundi was "on the verge of genocide" and the Human Rights Reporter Paulo Sergio Pinheiro has spoken of incipient genocide.

1996, analyses the regional perspective on sanctions, assesses government action and evaluates the effects of the embargo on the peace process.

II. Collapse of the Peace Process

For the first time, in November 1995, regional leaders gathered in Cairo under the auspices of Jimmy Carter, along with Desmond Tutu, Amadou Toumani Touré, the ex-President of Mali, and Julius Nyerere, ex-President of Tanzania, to discuss the problems of the Great Lakes. In March 1996, at a follow-up summit held in Tunis, Julius Nyerere was unanimously appointed as the principal mediator of the conflict by the then Secretary General of the United Nations, Boutros Boutros Ghali, the Organisation for African Unity (OAU) and the international community. Nyerere accepted only on the condition that he would not be the official representative of these organisations and that he would be able to act with total independence. It should be pointed out that his appointment was backed by the Burundian people with whom he had been working informally since 1993 and who were aware of his knowledge of the Burundi conflict. Nyerere had supported the creation of the UPRONA party at the moment of Burundi's independence. Unable to find any solution to the Burundi crisis and fearing another "Rwanda", the international community also strongly supported Nyerere's mediation efforts. Nyerere was therefore given a fairly free-reign in the negotiations from the very beginning, and the financial backing of the international community to bring the peace process to a successful conclusion. From March 1996, President Nyerere had wanted to take a two pronged approach to the problem: to return to constitutional rule and to negotiate with the rebel factions. However, this approach, which re-opened the question of the minority Tutsi' means of political pressure, negotiated by the Government Convention, was doomed to failure. As of April 1996, the Burundian Tutsi began to criticise Nyerere's lack of impartiality and the two first rounds of negotiations in Mwanza in May and June 1996 in Tanzania failed to reach an outcome.

On 25 June 1996, a third summit, the first organised by the regional leaders themselves, was held in Arusha (Arusha I) to examine the Burundi government's request for military aid to help restore peace and security. The composition of such a military force was quickly decided - it should include troops from Tanzania, Uganda, and Ethiopia under Tanzanian command. Although the request was made jointly by President Sylvestre Ntibantunganya of the FRODEBU party and Prime Minister Antoine Ndwayo of the UPRONA party, some army officers, supported by the radical Tutsi parties viewed such a regional military force as a means of neutralising the army's power. The possibility of regional intervention served to lend credibility to the rumours of an army *coup d'Etat* which had circulated since the signing of the Government Convention in September 1994, in spite of warnings from the international community that a the overthrow of the regime of the Government Convention would be unacceptable.

The massacre of 341 Tutsi at Bungendana on 20 July 1996 was the final blow to the Government Convention and sparked a movement which would lead Pierre Buyoya to power just five days later. On 23 July verbally abused and violently assaulted by an angry crowd, President Ntibantunganya fled a funeral he was attending to seek refuge in the United States Embassy, where he stayed for a year. At the same time, UPRONA declared that it was withdrawing from the Government Convention, creating a political and institutional crisis. The army took to the streets and on 25 July at 16:00 declared Major Pierre Buyoya as the new President. In his first speech, Buyoya announced the suspension of the Constitution, its replacement by a three year Transition Decree, the suspension of the political parties and his intention to launch multi-party talks.

On 31 July 1996, at the instigation of the mediator, Burundi's neighbours announced that they would impose comprehensive economic sanctions against Burundi and demanded that certain conditions be met in order for sanctions to be lifted. The three principle conditions were: 1) the return of parliament, 2) the restitution of all political parties, and 3) the start of immediate and unconditional negotiations between all parties in the conflict. The decision of Burundi's neighbouring countries to impose sanctions was explicitly supported by the OAU. The UN Security Council, referring to Resolution 1072 of 30 August 1996, condemned the overthrow of the legitimate government, demanded the immediate return to constitutional government and the start of negotiations and reconfirmed its support for President Nyerere's continued regional diplomacy efforts.

Since 31 July 1996, the Burundi government and its neighbours have been locked in a power struggle. In spite of the repeated invitations of the new Burundi government, the mediator has consistently refused to come to Burundi. The lack of clear instructions regarding how sanctions should be applied led some to believe that they were not intended to be a long-term measure. However, the political nature of the conditions for lifting the sanctions enabled the mediator and regional leaders to adopt a "carrot and stick" approach towards the Burundi government. Burundi's neighbours reacted to each move of Buyoya's government by either relaxing or reinforcing sanctions, depending on whether or not they viewed the government's actions to be in accordance with their demands. The sanctions undeniably had an immediate impact on the political situation in Burundi. On 4 September 1996, the government announced a plan to reinstate Parliament and the political parties.

In October 1996, at the next regional summit (Arusha III), it became apparent that Burundi's neighbours were divided on how they should react to the Burundi government. Some countries were of the view that they should encourage the government by lifting sanctions and the others believed that the sanctions should remain until the government agreed to multi-party talks. Taking advantage of this split, Buyoya's government announced that sanctions were in fact an obstacle to negotiations and that it could not hold talks with "its head in a noose". Between October 1996 and April 1997, regional opposition to the sanctions seemed to become even stronger. Those in favour of lifting sanctions argued that they had no effect on the opposition to the government outside the country and were therefore of little use.

In April 1997, the neighbouring countries decided to take a softer approach towards Burundi through the partial lifting of sanctions, allowing humanitarian aid and certain products to enter, including fuel for humanitarian organisations (since February 1997), medical supplies, seeds and fertilisers, construction supplies and education materials.

The improvement in relations between the rest of the region and Burundi's president resulted partly from the signing of the Rome Accords between the CNDD and the government on 10 May 1997 aimed at starting talks to restore peace and democracy in Burundi. Regional leaders were aware that the signing of this agreement, which had been reached as a result of secret mediation efforts by the Community of Sant'Egidio had constituted a significant risk for Buyoya who stood to alienate his political power base. The Burundi government further demonstrated good intentions by announcing that ex-President Sylvestre Ntibantunganya was now free to leave the United States Embassy, undertaking the first efforts to return displaced persons from the regroupment camps to their homes, and announcing the government plans to dismantle these camps by September 1997.

At the same time, regional support for sanctions continued to decline and the initial impact of Arusha peace process was wearing off. Critics accused the regional countries which applied sanctions of “turning a blind eye” to the illegal smuggling between their borders and Burundi. In particular, the borders with the Democratic Republic of Congo (DRC), Rwanda, and Tanzania were porous to trade with Burundi. Upon taking power, in May 1997, Kabila’s government in Kinshasa announced that the DRC would no longer support the embargo. In June 1997, the Chambers of Commerce of Tanzania, Burundi and DRC demanded the lifting of sanctions, claiming that they were damaging trade in the region. Despite these criticisms and the obvious breaches of borders, sanctions were nevertheless maintained, dividing the countries of the region into two camps. The hard-line supporters of sanctions - Tanzania and Uganda - now found themselves totally isolated in the region. The Burundi government demanded the resignation of the mediator.

Arusha IV, scheduled for 25 August 1997 should have been an opportunity to try and resolve this crisis. However, invited by the mediator to attend this summit, the Burundi government at the last minute refused to attend, forcing a delay. Following the withdrawal of Burundi from the talks, all the other countries of the region, with the exception of Kenya, which did not support sanctions, met on 4 September in Dar es Salaam and came to the following decisions: 1) to maintain the sanctions, 2) to add new conditions for the lifting of sanctions, insisting that former President Bagaza (accused of the attempted murder of President Buyoya), the President of the Parliament, Léonce Ngendakumana and the former President of Burundi, Sylvestre Ntibantunganya be permitted to leave the country and participate in peace talks outside Burundi⁴; that trials and executions currently taking place, in defiance of normal procedures, of those accused of having participated in the killings of 1993, should be immediately suspended⁵, 3) to announce their continued support for Nyerere as mediator, 4) to appoint the President of Uganda, Yoweri Museveni, as spokesman for the region, 5) to impose an arms and petrol embargo on Burundi, and 6) to create a special secretariat to control the implementation of sanctions.

The 4 September 1997 summit marked a clear break-down in the mediation process and in the relations between Burundi and its neighbouring countries. This was principally due to the following factors: 1) the Burundi government’s accusation that the Tanzanian mediator was biased, following Nyerere’s negative comments and the majority of Tutsi refusal to accept his mediation, 2) the deterioration of relations between Burundi and Tanzania, the latter being accused of allowing Burundian rebels to train in refugee camps on its borders. The situation on the border has deteriorated to such an extent that shots have been exchanged between both sides, each accusing the other of invasion, 3) the additional conditions imposed by the region for the lifting of sanctions which were seen as a hardening of their attitude to the Buyoya government, with Tanzania and Uganda taking the strongest line. In response to these three points, the Burundi government reiterated its willingness to negotiate, but with a larger mediation team. At the same time it pointed out that Tanzania’s lack of impartiality created an unsuitable climate for talks. The government insisted that Burundians should be allowed to solve their own problems themselves.

⁴The Parliamentary president, a FRODEBU Hutu had been accused of organising Tutsi massacres after the assassination of President in October 1993. There was much discussion as to whether he should participate in the Arusha summits, due to his supposed criminality. However, the main reason for keeping him in Burundi was the fear that he might set up a government in exile.

⁵The government had decided to punish the 1993 “putschists”. However, there were summary executions which aroused strong international condemnation.

Between September 1997 and the last summit in Kampala on 21 February 1998, despite numerous attempts to find a solution by different special envoys of the UN and OAU Mohamed Sahnoun⁶, the European Union, Aldo Ajello, the United States, Howard Wolpe, and despite the various bilateral peace efforts, no regional initiative tried to achieve a thaw in relations with Burundi. In another attempt to solve the crisis, UNESCO organised a Peace Conference on Burundi in Paris in October 1997 which was attended by all of Burundi's political parties including the armed factions, except FRODEBU.

It was only in February 1998 that international pressure finally brought about the organisation of a further regional summit in Kampala. The president of Burundi was invited to present a peace plan resulting from an agreement between the government and Parliament. At the end of this summit the heads of state of eight African countries - Tanzania, Uganda, Rwanda, the DRC, Kenya, Zimbabwe, Zambia and Ethiopia - decided to maintain the embargo on Burundi. Uganda's President, Yoweri Museveni, announced at the end of the summit that the decision to maintain sanctions had been unanimous. However, the Council of Ministers of the region, who had gathered only the previous day, had, on the contrary, recommended the lifting of sanctions. And some countries, such as Eritrea⁷ and Zambia, had even announced publicly in the previous few months that they were in favour of lifting sanctions. According to some present at the conference, the leaders of Uganda and Tanzania had once again imposed their point of view on the other countries, despite appeals from others as to the terrible effect that sanctions were having on the Burundian population.

The decision to maintain sanctions was also accompanied by a speeding-up in the processing of the case against former Burundian President Jean Baptiste Bagaza, who had been under house-arrest for a year⁸. The summit's final communiqué stated that "no significant progress had been made" and that sanctions would only be reviewed when multi-party talks were underway and on the condition that government had complied with all the conditions imposed at *Dar es Salaam* in September 1996, namely freedom of movement for the President of the Parliament, Léonce Ngendakumana and for ex-President Sylvestre Ntibantunganya⁹.

Following these demands, the case against Léonce Ngendakumana was dropped on 16 March 1998. To most observers, the government has now fulfilled all the conditions imposed on it.

⁶Mohamed Sahnoun's mandate for the Great Lakes was extended to the whole of Africa by the Secretary General of United Nations shortly after the 4 September summit.

⁷On a visit to Burundi in December 1997, the Eritrean president publicly declared his country's lack of support for the sanctions.

⁸The Council of War, which was supposed to be examining President Bagaza's file, passed it on to the Supreme Court. The president was released on bail.

⁹ Final communiqué of the Kampala summit, February 1998.

III. The Regional Outlook

The attitudes of the different countries in the region can be understood by looking at the following four key issues:

- Defining the Burundi problem and the objectives of the embargo
- The risk to regional security
- Economic considerations
- Regional leadership

A. Defining the Burundi problem and the objectives of the embargo

The leaders of the African states recognise that the majority of current conflicts in the region are internal conflicts, and represent a serious threat to the security of the continent. The creation of an OAU mechanism for the prevention of conflicts in 1993, breached, for the first time, the previously sacrosanct principles of state-sovereignty and non-intervention established in the OAU Charter. It also paved the way to allowing heads of state to take responsibility for resolving the continent's conflicts themselves. It was in this interest that the OAU and UN co-sponsored the 1993 Arusha Accords in Rwanda, and Julius Nyerere accepted the position of mediator of the Burundi conflict. Nyerere has also continually stressed during discussion on the region's policy towards Burundi, that in addition to accepting this responsibility the region would no longer tolerate rule by force or the questioning of election results. For President Nyerere, "all those at the Arusha summit have been democratically elected, regardless of how they won the elections"...."Africa is no longer willing to accept military regimes" as he told *Le Monde* in August 1996. The "new leaders", Yoweri Museveni of Uganda, Paul Kagamé of Rwanda, Issayas Aferworki of Eritrea, Meles Zenawi of Ethiopia, Benjamin Mkapa of Tanzania and Laurent-Désiré Kabila of DRC now enjoy a new concept of power based on stability and prosperity in the region.

Most of the region's political leaders were trained at the same school under the tutelage of Nyerere. Through his status as the father of the African liberation movements (ANC, SWAPO, Frelimo...), President Nyerere has gained a world-wide reputation as a pan-African militant and anti-colonialist. It was partly due to his continued support for sanctions against South Africa that the apartheid regime fell. He has welcomed liberation movements to Dar es Salaam, given them political and diplomatic support, and allowed them to train on Tanzanian soil. He helped Museveni's National Resistance Army (NRA) to overthrow the regime of Milton Obote in 1986, and became the spokesman for the new RPF (Rwandan Patriotic Front) in Rwanda and for the Alliance of Democratic Forces for the liberation of the Congo (AFDL) in the DRC. These new leaders are for the most part English and Swahili speaking former pan-African Marxists from liberation movements and feel indebted to Nyerere for his past support. Their revolutionary ideology has led them to radically change the social structures of their countries. In their view, Burundi is the stereotype of old-fashioned African leadership; a conservative army in power since independence, relying on privilege and an authoritarian-style government which excludes the majority of the population from the decision-making process while indulging in spasmodic brutal repression. The army represents a reactionary force whose outmoded role and over-involvement in political life should be eliminated. A government system which excludes the

majority of the population from political involvement is a constant risk to political stability.

To illustrate his view of the Burundi conflict, Nyerere has often referred to the situation in South Africa under apartheid, describing the situation in Burundi as "black apartheid". He considers the Burundi conflict to stem from the domination of the Hutu majority by the Tutsi minority, who came to power by force. Due to this, much of his approach towards Burundi has been based on the lessons he learned in militant opposition to the apartheid regime in South Africa. White South Africans only entered into negotiations when forced to by international pressure and the South African conflict was only resolved after a lengthy international confrontation with the South African government. Rather than having a real economic impact, sanctions were used to humiliate and isolate an unjust regime. Nyerere's approach to Burundi has been to follow this same logic¹⁰: "as to sanctions I would simply like to remind you that they succeeded in South Africa, which is a far stronger country than Burundi. They take effect more slowly than bullets but they work". He was of the opinion that by applying economic pressure on the Tutsi government, sanctions would force Pierre Buyoya to return to democracy and respect the 1993 election results.

This vision of Burundi being ruled by an elite opposed to change, leads Burundi's neighbours to consider Burundi's government as being fiercely opposed to the Arusha peace process. The regional heads of state are convinced that the government has no intention of negotiating and that they are only taking part in talks to manipulate the process by imposing impossible conditions. The many initiatives to enlist outside help or find other negotiating forums are viewed as diversionary tactics. It is for this reason that Burundi's neighbours continue to insist that negotiations must continue at Arusha and nowhere else. Furthermore, the mediator is convinced that the Tutsi minority is also trying to block negotiations by calling into question his impartiality. In holding him responsible for the break-down of the peace process, they are intentionally trying to divert attention from the conflict and sabotage the peace process. Both of the warring factions were in agreement over his appointment. His denunciation of the genocide in Rwanda initially led the Tutsi to believe that his mediation efforts would favour them. However, today, Hutu in Rwanda maintain that he is "pro Tutsi" and Tutsi in Burundi that he is "pro Hutu". This explains the regional countries' resolve not to submit to black-mail or to lift sanctions.

The other area of misunderstanding and disagreement between Burundi and her neighbours on the question of power concerns President Buyoya's introduction of democracy in 1993. Being the first leader to introduce democracy to the region, President Buyoya gave in to Western demands, and in particular, to those of France expressed by President Mitterand at the Baule Conference in 1990. This has now created a precedent which the other countries in the region will be obliged to follow. However, it must be emphasised that most countries in the region are critical of the West's arrogance in forcing the entire world to adopt a democratic system described as "cosmetic" by President Museveni.¹¹

¹⁰Interview with *Le Monde*, August 1996.

¹¹ Quoted by Philip Gourevitch, "Continental Shift", *The New Yorker*, 4 August 1997.

In January 1998¹², President Museveni publicly described the colonial period as “the seed of the ideology of genocide”. The last straw for the regions’ leaders was to see Buyoya not only “go-it-alone” by introducing democracy to the country, but then return to power after having been defeated by FRODEBU. In 1993, President Museveni discouraged Buyoya from holding elections telling him that he would lose and recommending instead his own system of government - a strong interventionist state aiming to achieve economic growth and ensure security, gradually evolving from authoritarian government to a more inclusive and democratic system based on a National Assembly elected on a non-partisan basis. In his view, as long as there was no politically interested middle class or feeling for debate on a national level, conditions were ripe for parties to devolve into tribal factions in the hands of an elite battling for power. He calls his regime “a democracy without parties¹³” and considers that the government of a country should unite behind a leader when power can not be transferred in a peaceful manner and that in the meantime all energy should be concentrated on economic development. Although he himself had been in power for ten years he was elected for the first time in May 1996, scarcely three months before Major Buyoya came to power by force. It is widely thought that other revolutionary leaders of the region thought that Buyoya would have done better to form a guerrilla group in 1987 and gradually move to this other system. In doing so, he would have gained the support of many Hutu disgruntled with the Bagaza regime and won legitimacy for a fight against a dictatorship.

Despite these differing views on how democracy should be introduced, the model that the region proposed for Burundi was not very different from that which Buyoya himself had established between 1987 and 1993. Some had suggested that Burundi divide the executive powers between Hutu and Tutsi, for example by having a Hutu President and a Tutsi vice-president, as in Rwanda, whilst still maintaining a majority vote system and respecting the results of the 1993 election. During his first term as leader, between 1987 and 1993, Buyoya became progressively more inclusive, for example by appointing a Hutu Prime Minister in 1991, in the hope of leading his country towards democracy by promoting unity. As proof of certain similarities of opinion between Pierre Buyoya and Nyerere it should be remembered that before Buyoya took power in 1996, Nyerere had great confidence in his determination to introduce reform, and frequently consulted him. Despite his disappointment at seeing Buyoya involved in another army *coup d’Etat*, Nyerere nevertheless wanted to give him some room to manoeuvre and the chance to introduce reforms to Burundi.

In accepting the role of mediator in Burundi, Nyerere had laid down clear guidelines, giving priority, for the first time, to negotiations between all the conflicting parties. This marked a turning point in the international approach which, until then, had been to support the centre and moderate parties by favouring power-sharing agreements which excluded the extremists.

To attain their objective of negotiation with the CNDD, the neighbouring countries supported a confrontational approach to the Tutsi dominated military regime. Other than the main objective of “increasing the cost of staying in power” for the army, there were several underlying reasons for sanctions:

¹²The Mwalimu Nyerere Foundation held a seminar on the resolution of African conflicts in January 1998 at Arusha.

¹³*The New Yorker*, 4 August 1997

- The first was to strangle the Burundian economy and create social unrest in order to destabilise the government in power.
- The second was to weaken the power of the urban Tutsi elite, in particular the business community which had supported the military regimes which had governed Burundi for the last 30 years with the exception of the years 1993-1996.
- The third was to reduce the operational capability of the army by blocking imports of arms and equipment.
- The last objective, which President Nyerere declared openly¹⁴, was to give Buyoya the room to manoeuvre with army extremists and radical parties in Burundi. Sanctions would demonstrate to these groups that Buyoya was under pressure from the international community and push him to enter into talks with all parties, whilst at the same time enabling him to consolidate his position within his own camp. The sanctions would not demand the return to power of President Ntibantunganya and would accept de facto Major Buyoya as president. Their aim would be to protect Buyoya's policy of negotiating with FRODEBU, and enable him to introduce reforms in the army.

B. The risk to regional security

The pressure of hundreds of thousands of refugees and displaced persons¹⁵ and the security threat of the fifteen or so armed factions in the region means that an urgent solution to Burundi's crisis is vital to maintaining regional security. Faced with the contagious aspect of conflicts in this region, concern for security has incited either intervention or mediation of the following countries: Rwanda, Uganda, Tanzania, Kenya, Eritrea, Ethiopia, Angola, Zambia, Sudan, South Africa, and Gabon. One of the reasons for this involvement is the international communities poor credibility in the Great Lakes region. The withdrawal of the international community during the genocide in Rwanda and its inability to act when refugee camps in Kivu were used as sanctuaries and military bases for Ex-FAR troops, have led the region's leaders to expect minimal assistance from the West. The troops in Central and Eastern Africa are some of the continent's best-trained and most effective. The overthrow in ex-Zaire of President Mobutu's regime, a regime seen by regional leaders as a threat to stability, was an unusual collective military effort including troops from Rwanda, Uganda, Congo, Angola and Burundi¹⁶. The intervention of these neighbouring states was justified by the need to secure regional stability. The operation conducted by the Alliance of Democratic Forces for the Liberation of the Congo (AFDL) in Kivu proves that the idea of national defence has been replaced by the notion of trans-border security. The line between external and internal security is blurring in the face of a larger regional security operation.

¹⁴Conference at the Council on Foreign Relations, Washington DC, September, 1996.

¹⁵Figures from UNHCR, April 1998 : in the Great Lakes around 5 million people need international assistance.

¹⁶The revolt in the Congo, led by Laurent-Désiré Kabila between October 1996 and May 1997, had reversed the 30-year dictatorship of Mobutu.

It is important to remember that it was the Burundi government which asked the leaders of the region for military assistance in June 1996. But, following the success of the military operation in ex-Zaire, the regional alliance decided that the new regime in Burundi, which seemed to have its own agenda and was unwilling to conform to its neighbours' wider plans and security measures, was the next destabilising element which needed to be eliminated. In this context, the decision to impose sanctions was taken as an alternative to the use of force. The region's leaders had already discussed proposals for military intervention in Burundi and envisaged a force under Tanzanian command including troops from Tanzania, Uganda and Ethiopia. The decision to apply sanctions was therefore a compromise. As mentioned above, the decision was largely based on Julius Nyerere's previous experience in dealing with South Africa, on his need for personal recognition but also on his belief that Buyoya would introduce reforms.

Owing to the threat that Burundi poses to regional stability, it is important to realise that the option of military intervention has not been ruled-out. At the conclusion of the Kampala Summit, President Museveni made no attempt to hide this fact. According to him, there are only two methods of applying pressure on the Burundi government: sanctions or military force. With a population of 6 million, a large well-trained army, strong resistance to the government, and thousands of refugees on the move with each new wave of violence, Burundi is a key element to stability in the region.

For Rwanda, in particular, Burundi is a threat to stability - for two different reasons. First, with a new outbreak of war in the north-west of the country, Rwanda has no desire to see the continuation of the rebellion in Burundi provoking an outbreak of trouble in the south. Evidence of growing co-operation between the Burundi rebels and the Rwandan ex-armed Forces (Ex-FAR) and Interahamwe could lead to a closer relationship between the Rwandan government and Burundi. Since the beginning of 1996, the two armies have been carrying out joint operations in the north of Burundi and have collaborated on different occasions, notably during the offensive on Rwandan refugee camps in Kivu at the end of 1996. It is in Rwanda's interest for the Burundi army to remain strong. In this context, maintenance of the embargo puts Rwanda in a difficult position, threatening as it does to weaken the capability of the Burundi army. A further complicating factor is the deteriorating security situation in Kivu. Kivu has been infiltrated by the ex-FAR, and *Interahamwe* and their collaboration with Burundian refugees coming from Tanzania as well as Congolese militia such as the Mai-Mai, makes it difficult for the government of DRC to control the region and threatens the break-up of this enormous country. Recent violations of the civil rights of the Banyamulenge minority in Kivu have heightened tension and increased the possibility of an armed uprising in this group. Rwanda's preferred response to Kinsasha's effective loss of control in Kivu is to collaborate more closely with the Burundi military to help counter the threat of instability to the west. Burundi, however, has proved a reluctant partner, preferring not to offend the Kabila government, especially given Kinsasha's opposition to the regional sanctions' policy. Burundi too might have to make a choice between security and its political allies.

The second security risk which Burundi presents for Rwanda is its political evolution. If, under regional and international pressure Burundi is forced into developing a democratic or power-sharing system of government, Rwanda's own system may have to be reviewed. Burundi would once again create a precedent

in the region and the international community could insist that Rwanda conform. In addition, a Hutu majority government with more control over the army might not make such a dependable ally for Rwanda as a Tutsi majority government.

C. Economic Considerations

For the regions' leaders, the question of stability is closely linked to economic success and this must ultimately be achieved through the free movement of goods and labour in the region. Redesigning the pre-colonial map of Africa¹⁷, this large common market would decrease the pressure of Burundi's growing population on limited natural resources and prevent uncontrolled population movements into the neighbouring countries. Regionally controlled funds would allow migrants seeking land to settle and enable unused land in the region to gain a market value. Finally, and perhaps most importantly, the free movement of goods and labour in the region would create a large regional economy which could help Central Africa compete on the world market.

This type of economic consideration was a motivating factor in the AFDL operation in Kivu. The regional countries need a favourable regime in the Congo to establish collaboration in oil and mining research and in the construction of a transcontinental road and rail network. A rail link funded by South Africa and linking the Cape to Kampala by way of Pretoria, Kinshasa and Lumumbashi is already being planned. In preparation, mining companies in the region have recently opened offices in Kisangani, Lumumbashi and in Kivu. In addition, since Kabila came to power, Uganda has gradually diverted traffic from the port of Mombasa in Kenya to Matadi in the Congo.

Owing to its proximity to Lake Tanganyika and Kivu, Burundi represents a geopolitical and economic risk for the region. 10 percent of Rwandan imports from Tanzania pass through the port of Bujumbura. The strategy of Uganda and Tanzania towards the development of the region has been to promote the Kampala-Pretoria axis and to position themselves as a gateway to trade with South Africa. However, this trade must necessarily pass through Lake Tanganyika. Therefore, for Uganda, Rwanda and Tanzania, access to Lake Tanganyika through Burundi is vital. Because of Burundi's proximity to Kivu, one of the regions richest areas in terms of natural resources, it could become an important transit post in the region. With an airport and a port a few kilometres away from the lake, it could supply its neighbours with imported goods, particularly from South Africa. South African companies have also shown that they are very keen to establish themselves in the region. The development of links between Burundi and South Africa, in spite of the embargo, show that a privileged relationship could be developed between the two countries. Burundi's commercial potential may be enhanced by the creation of free-trade zones and a free-port, as was the case during Buyoya's first mandate. However, if this system of trade is put in place without regional co-operation, the role of Uganda, Tanzania and Rwanda in the region's trade would be marginalised.

Finally, contrary to previous claims during the colonial period, Burundi does have considerable natural resources, in particular nickel, oil and gas. These natural resources could, if Burundi becomes sufficiently stable, bring significant economic

¹⁷The colonial map was drawn up at the Treaty of Berlin in 1885.

development to the country. A 1981 seismic study of Lake Tanganyika and Lake Malawi, carried out by the US National Science Foundation and financed by Elf Aquitaine and Mobil Co identified significant deposits of oil in Lake Tanganyika¹⁸, but the situation in Burundi since then has been considered too dangerous to make the necessary investment to exploit this discovery.

D. Regional Leadership

The choice of using military force in ex-Zaire and the debate on possible use of force in Burundi are directly related to the intervention of ECOMOG and ECOWAS in Liberia and Sierra Leone. ECOMOG was dispatched to Liberia in 1990 by the leaders of West Africa to try to bring to an end the chaos and anarchy which reigned there. After seven years ECOMOG was able to oversee the democratic elections which brought Charles Taylor to power. Encouraged by this experience, the West African leaders sent ECOMOG to Sierra Leone to drive out an illegal military junta and restore democracy. The countries of the Great Lakes region viewed the Burundian crisis as another opportunity to prove that the people of Africa are capable of solving their own problems. During "Operation Zaire", Rwanda, Uganda and Tanzania successfully convinced the international community that the offensive was in the interests of regional stability and good governance. The success of the operation gave rise to hopes of international support for the heads of state of the region. Plans for regional intervention in Burundi, drawn up in the spring of 1996 at the time of the Burundi government's plea for military assistance did, in fact, receive the backing of the international community. In exchange for their participation in this force, Tanzania, Uganda and Ethiopia were to receive financial compensation and new military supplies. Tanzania and Uganda were also granted deferment of the financial restructuring by the World Bank and the International Monetary Fund which would necessitate a demobilisation of part of the army.

The mediation of the Burundi conflict also meant that the spotlight was once again on Tanzania and President Nyerere. Since Nyerere left power in 1985, his successor had concentrated more on internal problems and less on Tanzania's external relations and influence. However, the election as president of Benjamin Mkapa of the Chama Cha Mapinduzi which is also Nyerere's party, has led to Tanzania reasserting its position of influence. The success of this policy can perhaps be measured by Tanzania's leadership role in the regional mediation process and more generally the extension of Tanzania's influence and trading power.

Uganda's role in regional mediation is motivated by geopolitical considerations. Uganda's influence began to grow towards the end of the 80's with the rise to power of Yoweri Museveni. By playing on American anti-terrorist sentiment towards Libya and the new fundamentalist regime in Sudan, President Museveni has made his country a shield against these threats. He also helped Rwandan refugees who had previously fought with him in the National Resistance Army to establish a base of the Rwandan Patriotic Front in Ugandan from 1990. Having become very powerful Museveni then ousted Mobutu, whose role in the region had been on the decline since the beginning of the Angolan peace process in 1991, and who was becoming less and less able to contain Zaire's internal

¹⁸"Africa may strike an oil bonanza", *The Citizen*, Ottawa, 16 December 1981

tensions, to the point where it was becoming isolated. Thanks to French intervention, Mobutu made a brief return to the international scene, from 1994 to 1996, when he was the international community's spokesperson for questions concerning the camps for Rwandan refugees. In late 1996, however, Uganda's increasing importance was again on display as Ugandan troops participated in the offensive that ultimately drove Mobutu from office.

IV. Evaluation of the "Buyoya II" regime

A. An explanation of the coup of 25 July 1996

The army's decision to replace Ntibantunganya with a new candidate of its own choice was primarily motivated by the deterioration of the security situation throughout Burundi. The rebels' advance was becoming dangerous and provoked acute worry among many in the army and the public and a rejection of the Government Convention. Every day, Ntibantunganya's government was accused of being unable to deal with the deteriorating situation, and some even accused it of encouraging the rebels and supplying them with arms to undermine the Convention. The increasing power of the extremist parties led to military and political polarisation, making any consensus in the coalition government extremely difficult. The chaos in Burundi had led the West to suspend bilateral aid until the security situation improved. It was in these circumstances that President Ntibantunganya and Prime Minister Ndwayo¹⁹ jointly requested regional military assistance.

However, the President and the Prime Minister had different reasons for requesting this force. Sensing his power was under threat, the President thought that international military assistance would help to strengthen his position and personal security. In the long term the presence of this force could help in reforming the Tutsi-dominated army. The Prime Minister's principle motivation was to finally eliminate the rebel movement. In fact, according to certain military sources, the Ugandans were suggesting that the Burundi army secretly join forces with some of the FPR battalions under a Ugandan banner to fight the rebels. This move seems to have been the catalyst for the coup d'état. Tanzania, the country supposed to lead this force, was suspected by the Burundian army of power-seeking and expansionist tendencies within the region. The Burundians feared that as soon as stability had been restored and Tanzanian, Ugandan and Ethiopian soldiers occupied Burundi, the leaders of the region would be able to impose a political system serving their own interests and select candidates of their choice.

Faced with the growing threat of rebellion, terrible massacres and institutional chaos, the army believed that the situation was ripe for a *coup d'Etat*. Once the decision to seize power had been taken, the problem was to find the men. It was in these circumstances that certain officers, and in particular the late Minister of Defence, Firmin Sinzoyeba²⁰, demanded that Buyoya take power by force. The most credible explanation is that Buyoya was presented with a very simple choice: either he take control himself or he hand over the reigns to a man from the ranks of former President Bagaza, who had the political backing of the PARENA (Parti pour le Redressement National), and the army, the militia, and the student movement. It should be emphasised that those supporting the coup were well aware that the overthrow of the Convention government could lead to the imposition of international sanctions. Since 1995, repeated warnings from the Secretary General of the United Nations, Boutros Boutros Ghali, the US

¹⁹Under the Convention of Government, the president was Hutu, from Frodebu, and the Prime Minister, Tutsi, from Uprona.

²⁰The Minister of Defence was killed in a helicopter accident on 23 January, 1998.

Ambassador to the UN, Madeleine Albright, USAID's Brian Altwood, the EU's Commissioner for Humanitarian Aid Emma Bonino, and the French and Belgian governments, had made it perfectly clear that the international community would not tolerate a change of government by force. In this context, the choice of Buyoya, educated in Belgium, France and Germany and with important international connections, was designed to attenuate sanctions. The aim was also to restore international trust and make the coup as "respectable" as possible by concentrating on the distinctive qualities of the candidate and, as a secondary consideration, facilitate the return of bilateral aid.

Negotiations between Buyoya and the army officers seem to have lasted several months. To seize power in such an atmosphere was be very risky for Buyoya. First of all, he was jeopardising his international reputation as one of the first African leaders to bring about democratic elections and then to peacefully and with dignity, accept his own electoral defeat. In accepting the army's plans, he handed his political enemies an easy argument: that the coup of 25 July showed him in his true colours and that, secretly, he had not accepted the results of these elections, that he had been involved in the killing of Ndadaye in 1993 and had supported the violent Tutsi army putsch and systematically destroyed all other political parties. By seizing power on 25 July, he was *de facto* accepting responsibility for a regime which had killed the first democratically elected President of Burundi and had abandoned a power-sharing agreement (the Government Convention of September 1994 to July 1996) in favour of a dictatorial military regime. Finally, by strange coincidence, a report by the United Nations Commission of Inquiry into the assassination of Melchior Ndadaye²¹ had been handed to the Secretary General of the UN only two days after the 25 July coup. The Security Council decided not to publish the conclusions to avoid further confusing the situation. The report identified certain army officers as being responsible for the 1993 putsch and some FRODEBU leaders as having participated in "acts of genocide" against the Tutsi minority after 21 October 1993.

The President therefore had to quickly re-establish his legitimacy both within Burundi and with the international community. First, he had to demonstrate that he was willing to negotiate with the rebels and to reinstate democracy. A return to a more normal political process was essential for the lifting of the embargo and the restoration of international aid. He also needed to demonstrate to FRODEBU, whom he had ousted from power, that they would not be definitively excluded from the political process, that the 25 July coup was not tied to the Tutsi army's tradition of armed coups and that he was open to negotiation. He had to demonstrate to the army and the Tutsi minority that he could bring an end to instability, rebellion and the "ideology of genocide". Certain members of this Tutsi minority still regarded him as a traitor for his role in organising the 1993 elections, and were seeking revenge on those who had organised the Tutsi massacres that followed the assassination of the elected president. In order to meet the expectations of the international community and the army he therefore had to act swiftly and efficiently. If his credibility was lost, he would be at the mercy of extremists and another *coup d'Etat*.

²¹The International Commission of Inquiry was to enquire into the circumstances surrounding the assassination of Ndadaye on 21 October 1993 and the massacres which followed. The report was submitted on 23 July 1996.

These internal pressures were just as important as the pressure from regional powers. The need to provide rapid results put Buyoya in a very delicate position, and led him to attempt a multi-faceted approach to removing internal and external obstacles to his policy.

B. Attempts to Legitimise Buyoya's Regime

1. Restoring Security - The Military Solution

Pierre Buyoya's army handed him the following challenges as outlined by the Minister of Defence on 25 July 1996: end the massacres and "organise a national debate to restore the democratic process". Restoring security in the country would have two principle benefits. The first would be to provide concrete results for Buyoya to show to regional leaders, thus putting him in a strong negotiating position as leader of a government capable of guaranteeing the safety of its citizens, unlike the rebel factions. The second advantage would be to gain the political support of the population.

To explain its seizure of power, the new government and the army sought to demonstrate that the coup was not, in fact, a coup at all, but rather the responsible filling of a power vacuum. President Ntibantunganya had taken refuge in the United States Embassy and power had been thrown into the streets. The new leadership also argued that, although FRODEBU had won the elections, the party had forfeited its claim on power by taking part in the organisation of the 1993 massacre of Tutsi, thus failing to protect the population which is a primary duty of the government. Buyoya's take over of power had, in contrast, "put a stop to the genocide, and the "Somalisation" of the country, referring to attacks on the Tutsi such as that at Bugendana".²² The new president played up the fact that he had been the unanimous choice of the army and the civil population and set himself up as the "saviour of the Nation". He immediately installed a Hutu prime minister, the widely respected Pascal-Firmin Ndimira, and a government of free thinking individuals.

The militarisation of the country

To gain acceptance and the support of the population, the government had clearly chosen the military option. In his first address, the president announced his intention to "organise and equip the forces of order and the army with all means at his disposal". The militarisation process and the building up of the armed forces²³ had already begun under the Ndayo government. From July 1996, a large scale military and public relations campaign was launched against "warmongers", one of its sections dealing with the continuing army recruitment and massive military re-equipment. At present the Burundian army has around 60.000 men and its equipment is sophisticated. One of the recruitment strategies is "youth training"; direct recruitment of young people, by mandatory national service for those who fail secondary school or university, including girls. The army's objectives are: 1) to define the zones occupied by armed factions; 2) to clear them by

²²The Bugendana massacre took place on 20 July 1996. More than 300 Tutsi died.

²³The army is dominated by the Tutsi; the recruitment policy targets essentially young Tutsi.

force of arms, after evacuating the population; 3) to identify the armed factions' access routes and prevent them from infiltrating the provinces and communes; 4) to improve their control over territory favourable for guerrilla activity, foothills and plains; 5) to prevent the theft of vehicles and cattle.

The policy of forced regroupment

Since February 1996, one of the military's tactics to isolate the rebels, has been to forcibly regroup the population in camps protected by the army. In the first quarter of 1997, the number of people in these camps was 350.000. As of the second quarter of 1997, the government decided to dismantle these camps and to send the peasant farmers back to their land. However, the destruction of their housing and the regrouping of the Hutu population has served to reinforce the increasing segregation between the different ethnic groups and to encourage a "ghetto" mentality. Most Tutsi now live either in the capital, which was "ethnically cleansed" of Hutu in 1995, or in army-protected camps, set up at the time of the 1993 massacres.

Mobilisation of the population

In addition to enhanced military capability, the military option depends on the mobilisation of the population. First the government wants to educate the population to "better identify the enemy and the nature of the crisis"²⁴. The administration and the forces of order are training the population to participate in their own defence by protecting the administration, the socio-economic infrastructure and private and essential crop cultivation. "Consciousness raising" is achieved by moral rearmament seminars to combat an "ethnic" ideology, citing the president's policy of national unity as the best weapon against genocide. In support of this retraining programme a campaign to discredit the armed factions has been launched. This campaign has two themes which are propagated by public addresses or by encouraging the spread of rumours. One concerns the collaboration between the armed factions and the ex-FAR and *Interahamwe*, the other concerns genocide. Counting on the negative image of these groups in international and national opinion, the government is trying to marginalise and discredit the Hutu rebellion by emphasising its barbaric methods and genocidal ideology. The disproportionate use of the words "genocide" and "genocidal terrorists" is striking. These words have become part of everyday vocabulary and many civilian associations and eminent politicians have taken up this argument. It appears that the Burundian government is trying to build an image of a legitimate government fighting a dangerous rebel faction, modelling itself on the governments of Rwanda and Uganda. The national outburst of anti-embargo sentiment is used to further discredit the guerrilla movement and the Tanzanians' support for the guerrillas is frequently criticised.

By labelling the rebels as terrorists, the government is attempting to be seen as the guarantor of the population's security, and to regain its authority as the peoples' protector. Government addresses attempt to be both firm to demonstrate their control over the situation and at the same

²⁴ "Assessment of Government Action", official document of the Burundi government, December 1997.

time, inclusive. Hostages who have escaped from the rebel groups and former rebels who have “repented” are pardoned and encouraged to return home, often passing through transit camps, where they often find displaced persons. The government policy of rehousing displaced Tutsi, is seen as a way of paying a moral debt, with Hutu farmers build housing for Tutsi.

At the same time, the government is attempting to reinforce the sense of honour in the army, introduce greater discipline and control its excesses and abuses of authority. The reason behind this drive is that the government cannot use moral arguments against the rebels if its own army is seen to abuse its privileges and not respect its citizens. Some members of the army have already been punished as an example. However, in order to succeed in distancing Burundian support from the rebels, the people must have confidence in the army. The former Defence Minister, Colonel Firmin Sinzoyeba, who was killed in a helicopter crash in January, was one of the strongest advocates of army discipline and closer links with the population. The current Minister of the Interior, Colonel Epitace Bayaganakandi, is also attempting to bring the army into closer co-operation with local officials and with the “Bashingantaye”, local officials from the hill communities traditionally responsible for justice. But as long as Burundi is under military threat, the government is wary of being too tough on the army. By systematically punishing soldiers and officers the government would be inviting a mutiny. Many human rights violations committed by the army therefore go unpunished.

Control of political life

The restoration of order requires the muzzling of political opposition. After a period of suspension, political parties were re-instated on 4 September 1996. But behind the apparent normalisation of political life, political parties are in fact under close scrutiny. A legal strategy has been applied to certain leaders of FRODEBU, who were accused of participating in the 1993 genocide and to Tutsi extremists who led the “village death” movement, the strikes and demonstrations during the Government Convention. Their arrest and intimidation halted the strikes and village deaths and the crime rate has dropped significantly in Bujumbura. The two main destabilising elements in Bujumbura, PARENA (Parti pour le Redressement National) and SOJEDEM (Solidarité de la jeunesse pour le droit des minorités) are now leaderless: the former President Bagaza, the head of PARENA, and Deo Niyonzima, head of SOJEDEM, were accused of having participated in the attacks on Major Buyoya. President Bagaza was under house arrest until March 1998, when he was freed due to pressure from other states in the region. Young militia groups accused of delinquency in Bujumbura have been forced to join the army and Deo Niyonzima has been arrested and sent into exile.

Has this strategy been effective?

This security strategy was initially successful. When Major Buyoya came to power, armed militia groups were present in over half of Burundi's provinces. Since July 1996, stability has returned to Bujumbura and to a number of provinces with the exception of Bubanza, Cibitoke, rural

Bujumbura and Bururi. The country's electricity supply has also returned to normal. The movement of traffic, apart from in Bujumbura, has been improved, which tends to relieve the siege mentality in the capital. The temporary improvement in security can be attributed to several factors: first the army's security operations have been relatively effective in the short term even though they have resulted in the destruction of dwellings and relocation of sections of the population. Secondly, the AFDL offensive in Eastern Congo, has forced Burundian rebel groups to flee the area and to move their military bases to Tanzania. The time they need to reorganise has provided a breathing spell for the Burundian army. Also the guerrillas' methods are making them more and more unpopular with the Burundian people. Cut-off from their supplies, their rackets and pressure tactics are becoming more and more violent and uncontrolled. It is now becoming more common for the population, accused by the army of collaborating with the rebels and by the rebels of collaborating with the army, to seek protection from the army.

However, no sooner had the President announced the improvement in security conditions in the country during a speech at the end of 1997, than the Palipehutu proved him wrong by carrying out an attack on the airport, a few kilometres from Bujumbura. Since the attack on the airport on 1 January 1998, the army's and the people's confidence in their President has been seriously dented. Since this attack, the threat of a real rebellion with the active support of Rwandan rebels has become a very worrying prospect.

2. Negotiations

During negotiations with the Burundi army officers before taking control of the country, President Buyoya insisted on two conditions: First, the army should accept that negotiations take place with the rebel groups and, secondly, that he be given three years to try to find a political solution.

With a view to organising negotiations, the government took the major step of starting pre-negotiations with the CNDD in Rome from February to March 1997, thanks to the mediation of the community of Sant'Egidio. In fact, informal contacts between the parties had begun even before the 25 July *Coup d'Etat*, following the failure of President Nyerere's first initiative between March and July 1996. On his first public appearance, President Buyoya declared "Our first priority is to stop the killings and crime which have plagued Burundi for the past three years. We also intend to launch open and honest talks with all those with political or other demands on condition that they have renounced the ideology of genocide". In his investiture speech he made it clear that "those who have attempted to pursue political aims by taking-up arms must lay them down, renounce violence and the destructive ideology of killing and genocide." The secret negotiations held by the community of Sant'Egidio in Rome resulted in a preliminary agreement between Buyoya's government and the CNDD, signed on 10 March 1997 and made public in May. The agenda for negotiations agreed by both parties included the following topics: 1) the return of institutional and constitutional order, 2) the question of the security and defence forces, 3) the suspension of hostilities, 4) the

implementation of justice, 5) the setting-up of an international court to deal with acts of genocide, 6) methods of the other political parties' participation and 7) the cease-fire.

There are two opposing theories used to explain the Buyoya government's participation in these talks. The first theory argues that the only reason for going to Rome was to obtain the lifting of sanctions, and that once the government realised that participating in the process was not enough to achieve this, it pulled out of the talks. The second theory, in contrast, argues that Buyoya's commitment to talks was genuine: he had, after all, publicly announced his intention to enter into multi-party talks immediately following the 25 July 1996 coup. The Rome talks were therefore to be seen as a natural continuation of the approach he had chosen. It should be remembered that even under his first government in 1991, Buyoya tried to establish contact with the political wing of Palipehutu. In fact, in going secretly to Rome, Buyoya had taken a huge risk of alienating his political supporters. Participating in the talks could be seen as a compromise with "criminals", but it was also an attempt to salvage the shattered Arusha peace process, which seemed to have been in collapse since the implementation of sanctions. Moreover, the talks provided an opportunity for Buyoya to prove to his supporters that the international community represented by Sant'Egidio, with the support of the United States and the EU, was not completely isolating him and accepted him as a partner.

Whatever the government's reasons for going to Rome, the reaction of the Tutsi community to news of the talks made further progress extremely difficult. Most Tutsi, the UPRONA party and certainly all extremists accused the government of "high treason" and were violently opposed to entering into negotiations with those guilty of genocide. Seeing itself as having been cut out of the negotiations, FRODEBU also publicly criticised the talks for favouring an armed negotiator. It is still not clear who actually leaked the news of the talks. Some accuse the CNDD, others accuse Major Buyoya as having leaked the information under pressure from Nyerere who wanted him to take responsibility for his actions in front of his own people.

3. National Debate - An essential component of negotiations

The failure of the Rome talks led Buyoya to undertake a new strategy by launching a "national debate", which had been first planned under the Government Convention. There were several reasons for this course of action. First, the accusations of treason made against Buyoya when the Sant'Egidio negotiations with CNDD in Rome were revealed made the president acutely aware of the need to put more effort into preparing public opinion ahead of further negotiations²⁵. Secondly, the failure of the

²⁵ This lesson is based on the Arusha Accords for Rwanda, which demonstrated the ineffectiveness of a peace process negotiated without a solid basis. The Arusha accords were concluded in August 1993 between Juvenal Habyarimana's government and the Rwandan Patriotic Front, ending a 3-year civil war. They planned the establishment of a widened transition government the same time that Juvenal Habyarimana's Rwandan government was negotiating power-sharing with the FPR, it was also preparing the population to implement a programme of genocide against the Tutsi..

Arusha peace process forced the Buyoya government to reopen dialogue and launch a national peace process. He then announced that the people of Burundi must find their own solution to the country's crisis.

The Rome Accords prompted the President to hold 15 meetings throughout the country to explain the good intentions of these negotiations to Burundians inside and outside the country. The government organised two round tables for representatives of the political parties, members of Parliament, public officials, the army and police and civilian groups in Brasira in August 1997 and in Gitega in February 1998, to lay the ground for a new round of negotiations. The parliamentary seminars held in October 1997 and March 1998, as well as the closing session the Parliament in December 1997 attempted to improve relations between the two groups and discuss the government's peace plan. As far as external relations were concerned, the government was present at a UNESCO peace conference in Paris in September 1997 and another in Freiburg in March 1998, to which representatives of the rebel groups and exiled Burundians for the first time accepted to participate together. Finally, in February, the president announced a debate in the outlying areas at local authority level. In addition, since August 1997, the government has created a Ministry in charge of the peace process. The government presents itself as the organiser of all these forums and debates, trying to promote greater co-operation between all the different political groups. Several times, the President has stressed that there can be no ready-made solution imposed, but that there must be communal agreement on the nature of the crisis and appropriate solutions.

4. Greater co-operation between Parliament and FRODEBU and prospects for change

At first, Buyoya's government suspended the political parties. It seemed to want to negotiate only with the armed factions, ignoring other political forces. Nevertheless, it was forced to comply with regional demands, hoping that a gesture of goodwill would give it more credibility as a negotiator. On 4 September 1996, the government announced the reinstating of Parliament and the political parties, thus meeting the first two conditions for the lifting of sanctions. However, the Parliament could not function properly as it was unable to form a quorum: out of the 71 percent FRODEBU members, over a quarter²⁶ had been assassinated since 1993 and a great many were in exile and had joined FRODEBU or CNDD in Dar es Salaam. UPRONA's boycott of the Parliament for several parliamentary sessions further prevented its normal functioning.

Having failed to negotiate with CNDD, the government turned to the normalisation of the institutions and its relations with FRODEBU. Since the suspension of the 1992 Constitution, the government had been faced with a serious problem of legitimacy. Parliament did not recognise Buyoya's Transition Decree and continued to refer to the Constitution. At first, relations between the government, Parliament and the parties were stalled. After many attempts to renew contact between the institutions, Parliament

²⁶23 FRODEBU parliamentarians have been assassinated since 1993.

finally agreed to try to re-establish a relationship of trust with the government and the parties. In December 1997, Parliament acted as a neutral forum and led discussions of the government peace plan. As a sign of appeasement and against the wishes of his Interior Minister, the president Buyoya authorised FRODEBU to hold its national congress in Bujumbura on 6 December.

This improvement in relations led in, December 1997, to the adoption of a text formalising this co-operation. By common agreement the government, Parliament, and the political parties decided to send a joint delegation to the neighbouring countries in February 1998. This delegation, which included the Minister for the Peace Process and various Parliamentary leaders, demanded the lifting of the embargo and a first round of negotiations. The purpose was to demonstrate to the regional countries that Parliament and the political parties were functioning, that there was a real will to negotiate and form partnerships.

The *rapprochement* between Parliament and the government has largely been focused on the need to identify solutions for a short-term transition. According to the 1992 Constitution, the Parliament's 5-year mandate should come to an end in June 1998. However, the *Transition Decree* pronounced by Buyoya at his investiture gave him a three year mandate, until July 1999. At a press conference on 16 February 1998²⁷, the president gave Parliament an ultimatum: either to recognise the Constitution and therefore end its term in June; or to recognise the Transition Decree, which would amount to a *de facto* recognition of the government, thus prolonging Parliament's mandate until 1999. By choosing the second option, it is likely that Parliament would be enlarged to include representatives of civilian groups, chosen on criteria yet to be decided. The underlying reason for enlarging Parliament is simple - the previous model, the Government Convention was dominated by political parties and became largely ineffective as the coalition system diluted decision-making and diminished the government's power. From Buyoya's perspective, the transition period would take place with the parties on the sidelines or swamped in a larger environment to minimise opposition to his plan. All associations, where former politicians are also found, will be encouraged to participate in the debate in round tables and will be consulted on important subjects such as genocide or public institutions. Winning over "civilian society" and gaining its support seems to be a key element of the strategy.

It is likely that texts outlining the transition and compromise between the 1992 Constitution and the Transition Decree will be discussed in the parliamentary session of April 1998. Reforms should follow these discussions and a transition government should be put in place, with a clear programme leading to the negotiation process. What happens after "Buyoya II" should be discussed at the external multi-party negotiation process. It seems that FRODEBU would participate in the transitional government as long as they are allowed to retain foreign bodyguards.

²⁷ Press Conference at the Novotel, 16 February 1998.

C. Internal Obstacles to the Peace Process

The internal discussions will probably be very slow in reaching a consensus on a communal social plan. The president needs to succeed in the short term but not everyone is convinced of his desire to reunite Burundi's people. There are absentees at each political meeting and organised gathering. In Arusha the rebels were not present; in Rome the talks only involved the government and the CNDD to the exclusion of the political parties and the armed factions; at the UNESCO conference in Paris in September 1997 FRODEBU were absent; at the round-table at Gitenga in February 1998 on the national debate certain members of UPRONA and PARENA were not present; and finally the national debate excluded the leadership of FRODEBU in exile and the rebels. There is in fact a big contrast between the active unification policy and government support for it. How much room for manoeuvre does the government really have? Negotiate - but with whose support and with whom? What results can the government show half way through its term? What is on the agenda for the negotiations? The government is faced with many internal constraints which partly explain the contradictions in its attitude toward the Arusha peace process. These constraints are beginning to eat away at and weaken the government's power and it is now apparent that the lifting of sanctions is the key to the government's staying in power.

1. Weakening political support

a) Divisions within UPRONA

The first challenge which the President has had to face is the lack of support and radicalisation with which part of his own UPRONA party react to his policy of negotiation. This faction had, nevertheless, acted to a certain extent as an accomplice to the 25 July coup. As soon as President Ntibantunganya fled to take refuge in the US Embassy, UPRONA's president, Charles Mukasi decided to withdraw UPRONA from the Government Convention, thus creating an institutional crisis and justifying Buyoya's taking control. However, not long after Buyoya took power, differences of opinion started to show between the party leader and the government. During a meeting of the central committee of UPRONA in September 1996, the head of state announced that, in the interest of achieving political unity, he would consider FRODEBU an equal partner. However, since 1993, UPRONA has continually accused FRODEBU, CNDD, FROLINA and PALIPEHUTU of collusion in organising the 1993 Tutsi massacres and of sharing the same ideology. To accept FRODEBU as a partner would be for UPRONA to justify criminal practices as political options.

Following the announcement of the Rome Accords, the split between the government and UPRONA became official. Refusing to support the government's action in negotiating with armed factions accused of acts of genocide, UPRONA at the same time withdrew its support for the government in the Arusha peace process. The only option which the president faced was either to withdraw from the Arusha process or to continue these talks without the support of his party. Since then, the

president and the president of UPRONA, Charles Mukasi, have been at loggerheads.

On 25 August 1997, anti-negotiation pressures won the day and the government, invited to the summit by the mediator, did not go to Arusha. In spite of all the preparation that had taken place for the summit, the Council of Ministers, meeting the day before, opposed the government's participation. Since then the members of UPRONA have been under constant surveillance and pressure by the government. When the president of UPRONA, Charles Mukasi asked for an extraordinary party congress in July 1997, the Minister of the Interior refused. Invoking party regulations he replied that only the party's Central Committee had the right to call for a congress. Since then, divisions even within the Central Committee have appeared and two main camps have emerged: those who support Mukasi's stand against negotiation and others who support the negotiation efforts of the government and accuse the president of UPRONA of political treachery. In a letter to the Minister of the Interior dated 16 January 1998, 21 members of parliament from the UPRONA group denounced the refusal of their party's president to convene a meeting of the Central Committee during the past 6 months, and explained this refusal by Mukasi's fear of losing his position of leader owing to divisions within the party.

Those within UPRONA in favour of negotiations advance three principal arguments to support their position. First, that no party should be excluded from the talks. Violence, they argue, has infected all sections of Burundi society, regardless of ethnic background. By focusing only on those who carried out the genocide against the Tutsi, we forget that the army also carried out killings on an enormous scale, and this argument is a convenient way for some Tutsi to escape punishment for their crimes. The second argument put forward is that a cease-fire is a necessary pre-condition for calm and sensible discussion of the political solutions for Burundi. No government has so far succeeded in guaranteeing the safety of all of Burundi's people. To date, hundreds of thousands of people have died and the deaths continue. How many more deaths will it take before a peaceful solution is found, and what state will the country be in by then? As long as violence continues, it is pointless to force any party to renounce a military option. The final argument looks at the contradictions in UPRONA's attitude towards FRODEBU, in its refusal to negotiate now with the same people with whom it agreed the Government Convention in September 1994.

Those from Mukasi's camp counter these arguments by adopting the line of the Rwandan government in asking how they can negotiate with perpetrators of genocide? The international community is not asking the Rwandan government to talk with the perpetrators of the 1994 genocide. On the contrary, it supports their being tried by an international Tribunal. This argument is based on the report of the United Nations Commission of Enquiry on the circumstances surrounding the assassination of Ndadaye, in which the killing of the Tutsi in 1993 is referred to as "an act of genocide". If the CNDD, Palipehutu and Frolina - are proven guilty of genocide, it would be impossible to enter into discussions with them for the following three reasons: they carried out these horrific massacres in 1993;

they are still allied to the former Rwandan Armed Forces (ex-FAR); and they continue to massacre Tutsi and Hutu who oppose their aims. In addition, for those opposed to negotiations, the guerrillas are not legitimate freedom fighters in the traditional sense, but a militia created and equipped by FRODEBU. To negotiate with these factions is synonymous with amnesty and pardon for genocide. In August 1997, when the CNDD announced that it would attend the Arusha summit, UPRONA's President, Charles Mukasi, announced that he would not sit at the same table with the perpetrators of genocide

Tutsi opinion in general remains split on this question and on negotiations. Some of the civilian population support the president's choice, but they are not sufficiently organised or structured to provide strong political support. The idea of negotiation is gaining ground in public opinion but there is concern that the negotiations may result in a Government Convention, which is the very antithesis of what they want. Anything remotely resembling democracy carries the risk of annihilation for the minority and giving political or military power to the leaders of the armed factions could threaten the security of the Tutsi. Leonard Nyangoma has already held a ministerial post and would probably welcome the removal of his political adversaries²⁸. Opposition to negotiations will remain unless they are fully explained to the public.

The Tutsi's reservations have only been reinforced by the return of security in part of the country. The Buyoya government's success in security matters makes negotiations somewhat of an anachronism as they risk disturbing an otherwise improved situation. Therefore it is important to build up the Burundians' confidence in their government so that they do not see it as a betrayal when they enter into negotiations. The government will no longer negotiate in secret as they did in Rome, but on behalf of and with the support of the people of Burundi.

b) Justice, an obstacle to negotiation

The fight against impunity has become a political weapon in the official speeches of those in UPRONA opposed to the government. This has become apparent since the assassination of president Ndadaye in 1993. It is matched by the legal discourses of FRODEBU proclaiming themselves the sole constitutional representative of the state as a result of the June 1993 elections. Some Burundian politicians responded that FRODEBU forfeited their electoral legitimacy by planning the "genocide" of the Tutsi after the assassination of the president. In 1994, to paralyse the presidency and the National Assembly, the Prosecutor's Office and the Supreme Court were given the task of examining the "criminal" files of all the FRODEBU leaders. Since the judicial system is largely drawn from one ethnic group, this was clearly a political manoeuvre on the part of some Tutsi politicians to prevent FRODEBU from returning to power. To demand that justice be done before any negotiation blocks any political opening. The disqualification of FRODEBU, the armed factions and any possible political partner means the return to a single party system, with no

²⁸ Léonard Nyangoma was Minister of Interior from February to March 1994. He created CNDD in September 1994.

hope of return to democracy. Under the pretext of demanding justice the peace process is blocked and the president deprived of a large part of his political basis in the Arusha negotiations.

On the question of justice the government is in a difficult position. Most of the files against the FRODEBU leaders already existed when Major Buyoya came to power. This judicial process is in contradiction of the government's policy of reconciliation with FRODEBU, which obliges it to find credible partners and emissaries. However it is obliged to allow the law to take its course and the files to be examined. Tutsi public opinion is demanding punishment for some of the FRODEBU leaders and the government cannot ignore these accusations without being accused of collusion with the "killers" and weakening its credibility in the fight against impunity. On the other hand, if the leaders are subjected to the Burundian legal system there is a good chance that the rapprochement process will be destroyed and additional sanctions will be imposed on the government, just as in September 1997 it was obliged to grant freedom of movement for the President of the Assembly, ex-President Ntibantunganya and former President Bagaza.

To find a way out of this *impasse* and to avoid accusations of partiality, the president demanded the setting up of an international Tribunal to judge those involved in the massacre of Tutsi in 1993. This demand was rejected by the Secretary of the United Nations, as it would legitimise the Tutsi's claim to single out the 1993 massacres from those of the 4-year civil war and justify their hold on power for security reasons. Rather than being seen as an instrument of reconciliation, the creation of such a Tribunal would be seized on as a political victory in the UPRONA camp and perceived as an injustice by the FRODEBU who view the army massacre of Hutu in 1972 as genocide. The Hutu refer to the 1985 Whitaker report on the prevention and eradication of genocide, which qualifies the 1972 massacre as a genocide²⁹. This leaves the government no choice but to let the Burundian legal system handle the files. The government decision to prepare a law "eradicating genocide" lays it open to the risk of FRODEBU seeing this as a declaration of war and endangering the whole rapprochement process, but in pressing for the rapid processing of the files and closing that of Leonce Ngendakumana on March 16th 1998, the government has demonstrated its desire to rise above internal squabbles and work towards negotiations. The real test will be to see if the president of Parliament will be able to attend the next Arusha summit.

c) Compromise and resistance to change

The president has been accused of not having suitable people in his entourage. To a certain extent he has responded to Julius Nyerere's appeal to use regional pressure to punish the 1993 "putschists". To improve his international image, he suspended some of those identified by the United Nations Commission of Inquiry as being involved in the assassination of President Ndadaye, such as Jean Bikomagu and Pascal Simbanduku and began a series of "putschists" trials. However,

²⁹ Whitaker Report on the Prevention and Eradication of Genocide, Human Rights Commission, United Nations E/CN/4/Sub.2/1985/6.

international and regional opinion swiftly labelled these "show" trials which punished scapegoats rather than those who were really guilty and demanded their suspension at the September 1997 Arusha summit.

These trials raise serious doubts about the president's willingness to enact reforms. He is actually prevented from carrying out any major reforms by those army officers with whom he shares power. They were appointed by him to positions of power in the army, the government or state enterprises and they use their positions to build a network of contacts. To dilute the power of the elite concentrated in the south of the country, he promoted individuals from the north and the centre of the country. He is thus able to enlarge his power base and maintain better control. However, this strategy obliges him also to make concessions which paralyse his policy of negotiation and reform. The danger of a *Coup d'Etat* forces him to bend to his partners resistance to changing the status quo.

Thus far, the president has not shown any great qualities of leadership in trying to overcome this situation. The negative effects of the war work against reform and negotiation and the power of the ruling classes has not only survived the war, but been strengthened by it.

2. Splits in the opposition

The negotiation policy has met with opposition within its own political base as have FRODEBU and the armed factions. Differences of opinion within these groups have prevented them from presenting an organised opposition to the government at the same time as preventing the government from finding suitable partners for their negotiations. There are various splinter groups: a split within FRODEBU between those in the internal group and those in the external group; another between FRODEBU and the CNDD; and the third between CNDD, Palipehutu and Frolina.

a) *External and internal FRODEBU groups*

After Major Buyoya took control on 25 July 1996, FRODEBU found itself in a very shaky position in spite of its overwhelming victory in June 1993. With the party suspended, President Ntibantunganya taking refuge in the American Embassy, some leaders taking refuge in other western embassies³⁰ or outside the country, many members of parliament assassinated and others involved in legal procedures, their political influence was weakened for a time. Immediately, FRODEBU proclaimed itself as sole guarantor of the continued existence of the state, demanded the re-establishment of the constitution, the political parties and the Assembly. Several arguments were then developed to discredit those in power. The legal argument was that as the Burundi problem was political not ethnic, the 1993 election result should be respected. Their peace plan called for a return to the 1992 constitution, preparation for elections and a new constitution under a transition government, guaranteed by a regional force which would oversee reform of the army, the police, the administration and the education system. Secondly, FRODEBU endeavoured to discredit Pierre Buyoya by accusing him of taking power to

³⁰The president of Parliament left the German Embassy in October 1996.

hide his involvement in the assassination of President Ndadaye. This argument was backed up by a statement released on the day of the Arusha summit³¹, 25 August 1997, from lieutenant Jean Paul Kamana, a participant in the 1993 putsch, in which he affirmed that the president had been one of the organisers of the assassination. The army was returning to its authoritarian ways, actively recruiting and re-equipping, the population operating a policy of self-defence, all of which indicated that the government was preparing for war. Thirdly, they denounced the intimidation and legal harassment of President Ntibantunganya, the president of the Assembly, Leonce Ngendakumana and the Secretary General of FRODEBU, Augustin Nzojibwami. In addition, almost all activity in the National Assembly was paralysed by the government's decision-making by decree. Some deputies went into voluntary exile in Dar es Salaam at the end of the June session which achieved nothing due to inability to form a quorum.

The gap between FRODEBU and the government widened with the announcement of the Rome negotiations. As they were excluded from the process, FRODEBU denounced the agreements as an attempt to divert from the Arusha process and accused the government of favouring a speaker from the armed faction and denying the legitimacy of FRODEBU although they represented constitutional legality and the way of peace.

After the failure of its negotiations with the CNDD the government turned to FRODEBU. Since that moment there has been a major split between the external members of FRODEBU, in exile in Dar es Salaam and those who stayed in Burundi after Major Buyoya came to power. As the external FRODEBU is protected by the surrounding countries, they demanded the maintenance of sanctions against the "putschist" government and refused all discussion with it. Denouncing the government's attempts to sabotage the Arusha process, they have rejected all government overtures and initiatives. All these initiatives, internal debates and UNESCO meetings are seen by the external FRODEBU as attempts to dilute and divert the peace process. However, the internal FRODEBU, whom the government has offered to include in internal debates, has shown itself to be more receptive. There are several reasons for this. As the Parliament's mandate ceases in June, FRODEBU will lose control over legislative power and political life in the country. To surrender the control of an institution born of the 1993 elections would be to surrender a guarantee of their participation in the government. In addition, if Parliament is dissolved, FRODEBU may lose its position as legitimate partner in future negotiations to the armed factions. Finally, accepting to work with the government would ensure some international visibility and credibility which would facilitate their inclusion in any future solution.

In the internal discussion process the Parliament has become the only institution capable of reuniting the political parties. The president of the Parliament has made use of his role as intermediary between the government and FRODEBU to ensure the political survival of Parliament as well as his position as mediator. Therefore Parliament has agreed to

³¹Lieutenant Kamana and other Burundian officers involved in the killing of Ndadaye on 21 October 1993 accused President Buyoya of sacrificing scapegoats to protect those responsible.

stand with the government in meeting the neighbouring countries to insist that discussions should primarily be internal business and to demand the lifting of the embargo. However, for a long time, Parliament has had very few members and the government cannot count on them to speak with one voice.

The external FRODEBU is afraid of being marginalised by Burundi and is trying to strengthen its position with the support of the region, whereas the internal FRODEBU is playing along with the government to avoid marginalisation in Burundi. In spite of the declaration of unity at the FRODEBU congress on 6 December 1997, each faction is betting on a different horse. Thus, as the region is rapidly losing credibility and the president's power is being weakened, FRODEBU is being pulled in two different directions and the resulting confusion was evident at the round table meeting on the internal peace process at Gitega in February. After taking part in the debates, signing a communal declaration which recommended the setting up of transitional institutions and an investigative commission on the Hutu massacres in 1972 and Tutsi massacres in 1993, FRODEBU published a counter communiqué on 25 February, stating that the communal declaration reflected the views of the government rather than the content of the debates. Whether it is seen as reflecting the internal and external leadership contradictions, the verdict of the Kampala summit favouring the maintenance of sanctions, or suspicion following the publication of the proposed law on the "eradication of genocide" this communiqué proves that the government cannot yet count on FRODEBU as a partner.

If FRODEBU withdraws from the dialogue process what options remain for the government to carry out the normalisation of political life necessary for the lifting of the embargo? What guarantees can the government offer FRODEBU? The latter want clear guarantees of representation and change in the military, ethnic and regional hegemony so that there will be no new massacre of Hutu intellectuals as in 1972, and future election results will not be questioned as in 1993. As long as the army remains in power, FRODEBU will have no confidence in the durability of any government reforms.

b) Rebellion

The various armed rebel factions also risk being marginalised in the negotiation process. The government's attempted partnership with FRODEBU endangers the CNDD's role as spokesman ever since the Rome negotiations. Supported by the region's and external FRODEBU's attitude of confrontation with the government of Burundi, CNDD's present strategy is to maintain a certain visibility whilst staying outside the negotiation process.

On 17 February 1998, three days before the Kampala summit, Léonard Nyangoma, the president of the CNDD announced that the CNDD was withdrawing indefinitely from government talks and appealed to the regional leaders for support. This action was in protest against the death

sentence passed on seven “rebels”, arrested and tried in February 1998 on the charge of having laid mines in Bujumbura in March 1997 and against the Burundian army’s massacre of innocents.

The CNDD was undeniably the big winner in the 25 July coup, which supported its radical stance against the “putschist and monoethnic army”. In driving out President Ntibantunganya, the coup also got rid of the moderate centre and radicalised the stance of FRODEBU, allowing Nyangoma to emerge as the real leader of the opposition to Buyoya’s government. After the 25 July coup, Léonard Nyangoma, an original founding member of FRODEBU and present president of CNDD claimed the presidency of FRODEBU from Jean Minani. He stated that the executive committee favoured his presidency and that the various splinter groups which had arisen within FRODEBU since the creation of CNDD supported him. Indeed, since September 1994 and particularly since July 1996, some of the FRODEBU members had been tempted to rejoin CNDD’s intransigent position in refusing any compromise relating to the 1993 elections. However, the FRODEBU national congress, held in Burundi on December 6th 1997, reaffirmed the presidency of Jean Minani and marginalised the CNDD’s position by restating their party’s preference for peaceful protest.

Under the “Buyoya II” regime, the guerrilla, in their 4th year of existence, seemed at first to be weakening and becoming a localised rebel force, looking to wear down those in power and to make headlines. There were several reasons for this. The AFDL had forced them to abandon their arms bases in ex-Zaire and move to Tanzania. Then the reinforced army measures and controls and the regrouping of the population in protected army areas made greater mobility necessary, thus preventing them from securing permanent hiding places. Deprived of their resources their behaviour towards the population has become increasingly violent. “Liberation” taxes, on top of government “war effort” taxes, rackets, reprisals and terror campaigns have largely discredited them in the eyes of the people. Diminishing resources have led to ever more criminal behaviour. Nowadays, “highway robbers” stop cars on the road, kidnap the passengers and demand ransoms or force them to strip and leave them naked.

Since July 1997, the rebel movement has been showing signs of growing conflict between factions. CNDD’s participation in the Rome negotiations in May 1997 and Arusha in August 1997 gave rise to divisions within the opposition movements. During the autumn of 1997, violent confrontations between the different armed factions of the rebel movement in Cibitoke and Bubanza provinces resulted in more than 600 rebel deaths and thousands of civilians fled. On October 27th 1997, FROLINA announced a return to combat after an 18-month cease-fire which was supposed to give the mediation process a chance.

Taking the Burundian army by surprise, the Palipehutu launched an attack on the airport on 1 January 1998, killing hundreds of civilians and rebels. Some Burundian officers claim that there were Rwandan, Ugandan and Sudanese amongst the rebels but this information is hard to verify. Nevertheless, according to several sources it seems that collaboration is

growing between several armed groups: Burundian rebels, ex-FAR and Interahamwe, ex-FAZ and Mobutu's ex-special presidential division, the Mai-Mai in Kivu, Ugandan rebels as well as diverse elements from various wars. According to a Human Rights Watch³² report some of these groups are receiving aid from certain Arab countries and the Sudanese government. There is talk of training camps for the ex-FAR and Burundian rebels on Tanzanian territory. Verifying each case is difficult, but overall the situation is very worrying as it proves the regionalisation of this conflict and the professional and mercenary nature of its development. The various interests of the 15 different armed factions make for a very eclectic ensemble, but their number and their access to arms provides them with an enormous capacity for harm and long term destabilisation of the region.

³²*Stoking the Fires: Military Assistance and Arms Trafficking in Burundi*, Human Rights Watch, December 1997.

V. The embargo: Incentive or obstacle to the peace process?

A. The impact of the embargo:

1. **Sanctions have had disastrous humanitarian and economic impact**

Burundi suffered a total economic blockade at the very moment when its economy was already very unstable due to the serious socio-political crisis which has gripped the country since 1993. Four and a half years of war, more than one and a half of which were under the embargo and the suspension of international aid have caused a big decrease in economic activity and the country is at the moment threatened by a food shortage.

The blockade had an immediate effect on inflation, production, and public finance. Inflation rose alarmingly, reaching 40 percent in 1996 and 1997, penalising the underprivileged the most. Within weeks of the imposition of the embargo, essential products had more than doubled in price and medicines by 40*percent*, causing a drastic reduction in purchasing power. Fuel had tripled in price, causing increased transport costs and thus, indirectly, a big increase in goods and services. An average family's food budget doubled between July 1996 and June 1997. Those with small plots of land had to fall back on essential crops, others had to reduce their consumption. The price of the basic food crop, the Burundian green bean, doubled, forcing most peasant families to modify their diet. Many now limit themselves to one meal a day.

Burundi's GDP contracted by 3 percent in 1995 and by 7.4 percent in 1996. In 1996 and 1997 the production level of the primary industry, basic crop culture (cereals, vegetables, bananas), fell dramatically. Since 1993, farmers have been unable to properly cultivate their land because of forced relocation and destruction of crops by warring factions. Government re-groupment policy has contributed to the fall in production. Some of those living in the encampments have been able to continue cultivating their plots, with the consent of the military, but others have abandoned theirs because of the distance between the plot and the camp. The increase in the cost of fuel has increased the cost of agricultural production and decreased the farmers' revenue. Peasant farmers make up 92 percent of Burundi's population. In addition there has been an embargo on crop seeds, fertilisers and pesticides. Shortages of agricultural agro-chemicals have reduced vegetable production by 30 percent and the torrential rains which have flooded the plantations since the end of 1997 (El Niño), have aggravated the risk of famine.

Since July 1996, the nutritional balance of the population has greatly deteriorated, particularly among those who have been relocated. At present there are around 550,000 living far from their homes. Disaster victims include: 1) those displaced -mostly Tutsi, living under army protection since the 1993 massacres; 2) those scattered -Hutu hiding in forests and marshes to escape from the army which is pursuing them for collaboration with the guerrillas; 3) those regrouped - Hutu regrouped in

government camps to isolate guerrillas in the zones they have infiltrated; 4) those repatriated, repatriated DRC Hutu, unable to return to their hill homes for security reasons and 5) those “newly liberated “-repentant former Hutu collaborators or hostages of the rebellion escaping from the guerrillas. The majority of these have no access to food and are at risk of sickness and epidemics. Their precarious state of health and the shortage of medicine makes them vulnerable to the malaria and typhus epidemics which have swept through the country since mid 1997. In April 1997, the neighbouring countries authorised delivery of humanitarian and food aid to Burundi but administrative complications prevented the supplies from reaching their previous level. Since the end of 1997, flooding on the roads used for delivery has prevented two thirds of the food aid from arriving at its destination. More than 40,000 children now suffer from malnutrition and the most vulnerable, estimated at 300,000 by humanitarian agencies are threatened by famine.

The embargo has had a dramatic effect on the production and export of vital crops such as coffee, tea and cotton. Between 1993 and 1997, coffee production fell from 35,000 tonnes to 20, 000 tonnes. The Ministry of Planning has estimated that the halt in the import of fertiliser and pesticide, imposed by the embargo has caused a fall in production of between 5 and 10 percent. The effects are visible in the 1997/1998 “campagne café”. In addition, the lack of fuel has made stocking, collecting and transport difficult and more expensive. Only two thirds of the coffee harvest had been processed at the end of the first quarter of 1997, as opposed to all in the previous year. The embargo has made the export of coffee very difficult. In more normal times coffee accounts for 80 percent of the foreign currency intake of the Burundi Central Bank. In 1996, export revenue was 61 percent down on that of 1995, with disastrous consequences for public funds.

Industry, which is very dependent on external deliveries, has suffered badly from the embargo, except for the drinks industry. The halt in the import of fuel and raw materials and the shrinking market of the bordering countries has resulted in a fall in production and the closure of factories according to the level of stock held at the time the embargo was imposed. The fall in industrial production has led to an alarming rise in unemployment.

In business with the outside world, imports and exports collapsed with the imposition of the embargo. Imports fell from 15.4 billion BUF (\$36,600,000 and 32,940,000 ECU) to 7 billion BUF (\$16,600,000 and 14,940,000 ECU) between the second and third quarter in 1996 and exports plunged from 6.4 BUF (\$15,200,000 and 13,680,000 ECU) to 1.6 billion BUF (\$3,800,000 and 3,420,000 ECU) in the same time span. Bujumbura airport and port were practically at a standstill during the second half of 1996. Sabena and Air France links with Europe were halted together with those to the neighbouring countries. Thus, the State’s revenue from customs and excise, (import and export duties) was greatly reduced. Export revenue was nil in the fourth quarter of 1996 and import revenue reduced to a fifth.

With a budget deficit of 26 billion BUF (\$61,900,000 and 55,710,000 ECU), almost a third of the annual budget, the State found it increasingly difficult to finance essential services such as health, disaster relief, education and

civil servants' salaries. The embargo has been particularly hard on the health service which was already badly affected by the crisis, which concentrated doctors and medicine in the capital and hindered the free movement of citizens. The 29 provincial hospitals are struggling with very few drugs and there is just one doctor per 75.000 inhabitants, whereas there is one doctor for 2500 in Bujumbura. Sanctions have had an immediate effect on education since all school supplies are imported. The cost of school books and uniforms has tripled and the educational infrastructure has deteriorated due to the increase in the price of building material. Scarcely a quarter of the primary schools are operating. Finally, as the State is the principal employer, the loss of State revenue has meant a cut back in recruitment of State employees and a freeze on their wages, leaving many well qualified young people without work.

The budget deficit (which has swollen from 8 billion BUF (\$19,000,000 and 17,100,000 ECU) in 1995 to 22.5 billion BUF in 1996 (\$53,600,00 and 48,240,000 ECU) was first of all covered by reserves of foreign currency, greatly diminished by the embargo and the departure of many expatriates. The difficulty in exporting coffee, the partial return to the barter system and the relocation of the Congolese gold business to Bukavu, Goma and Kampala forced the Burundi Central Bank to impose restrictions on currency exchange. In order to continue paying its civil servants and to sustain the country the State had to create currency. The money supply increased by 11 percent in 1996, thus contributing to inflation and the devaluation of the Burundian franc, which had lost almost half of its value against the dollar between July 1996 and February 1997. The Burundian government tried to cushion the effects of the embargo by encouraging production of local products to replace imports, rationing fuel and finding new transportation routes. In addition, a war effort tax was imposed on all salaries, fiscal controls were tightened and there was a crack down on corruption. With the reduction in spending power many civil servants had taken advantage of the economic chaos to embezzle funds and several of the managers of State businesses, such as Air Burundi and the Coffee board were arrested. The only dependable source of income for the State is the Abrarudi Brewery of Bujumbura, owned by Heineken, which has maintained its supply of hops and gives 60 percent of its profit to the government.

Faced with this economic situation, the government has launched a campaign of reconstruction and rehabilitation, beginning with the dismantling of "protected site" camps so as to re-launch agricultural production, notably coffee. Secondly, they will make every possible effort to win back international co-operation and improve relations with the international community. With this co-operation the government would like to set up a rehousing and rehabilitation programme. NGO aid compensates somewhat for the lack of bilateral aid, cushioning the effects of the embargo as their international medical sections have a larger budget than the Health Ministry and some are already replacing State services. However, here again security concerns run counter to economic concerns. While the government is calling for reconstruction, the army continues to seal off suspected rebel-infiltrated zones, evacuating the inhabitants then destroying their houses.

2. Burundi has not yet succumbed to the embargo

Although weakened by the embargo, Burundi has not been completely destroyed and has survived for one and a half years in spite of predictions of imminent collapse. Major Buyoya himself has declared that "Burundi will survive the embargo".³³ There are several reasons for this. The peasant farmers have managed to continue production throughout the crisis, thus "saving" the economy and in spite of decreased production the country's self-sufficiency in agriculture has ensured its survival. In addition the economy has adapted and ways have been found to bypass the blockade. Some neighbouring countries have kept open their borders, either to profit from the embargo or as a measure of security in their relations with Burundi.

The effect of the embargo was felt most during the first five or six months. Then, after December 1996, schemes to bypass it by alternative transport routes and different trading partners somewhat neutralised its effect. In January 1997, the government arranged to barter coffee for fuel, first with some Israeli businessmen, then with Rwanda. Coffee exports reinstated air traffic as the coffee passed through Angola and South Africa on its way to Israel. There were soon fairly profitable air links transporting passengers and freight to Charleroi in Belgium (Air Tanganika)³⁴, Nairobi in Kenya (African Airlines International), Dubai in the United Arab Emirates and Johannesburg in South Africa.

Land routes were changed too. With help of a Burundian businessman and some senior Tanzanian civil servants, the first fuel delivery from the traditional supplier, Dares Salaam refinery came by rail to Kigoma in Tanzania, then by river to Burundi. Tanzanian registered fuel trucks are still seen on the roads of Burundi.

The second alternative route was through Rwanda, which kept its borders open for the transport of goods under certain conditions. In the interest of security Rwanda did not want the Burundian army to suffer, so the two governments agreed to exclude army provisions from the embargo. In the beginning casks of fuel were thrown into the Ruzizi river on the Rwandan border and fished out on the Burundi side. Rwanda soon began to make a profit from this trade by taxing the goods and trying to capture the markets held by Burundian businessmen, particularly coffee. Goods needed authorisation and a military escort, and import and export duties provided a large source of revenue for Rwanda. When Burundi importers struck coffee export deals directly with Israeli business men, the lucrative loophole closed and the Rwandan government responded by temporarily closing the border to all trade. According to some Burundian businessmen, francophone Rwandan customs officers were the most amenable as many had relatives in Burundi.

From March 1997, the river route via Lake Tanganyika became the number one alternative and opened up a land route to South Africa. On the Congolese side, AFDL's capture of Uvira opened a gap in the embargo

³³Interview with President Buyoya in Liberation, 23 February 1998.

³⁴This air link was cut in January 1998, following the attack on the airport on 1 January.

and the Burundi-Congo border was left unsupervised for several months allowing essential supplies to be imported. The new DRC government let it be known in May 1997, that the border between Uvira and Burundi would remain open. Bujumbura had always been an important supply base for the people of South Kivu.

In June 1997, Kenya announced that it was lifting the embargo on fuel and reinstating flight links between Nairobi and Bujumbura. From September 1997 there has been a fuel delivery from Kenya and, confident of several sources of provision, the Burundian government suspended fuel rationing.

In reality, the RDC, Kenya, Tanzania and all the neighbouring countries had economic interests in Burundi which are being damaged by the embargo. Kenya has lost revenue from the port of Mombasa. Rwanda is the only country to have profited from the embargo in several ways. It has established its position with regard to trade with Kivu compared to Burundi and acted as intermediary in commerce between Burundi and countries outside, for example exporting Burundian coffee and market garden produce. In addition, there was a sizeable income from customs duties levied on goods entering Burundi via Rwanda, particularly fuel. Finally, travellers, businessmen, international groups passing through Rwanda on the way to Burundi, have contributed to their foreign currency reserves.

It is obvious that most of the neighbouring countries assumed that their economic sacrifices occasioned by the embargo would be short-lived as Burundi would quickly cave in. However, Burundi has shown surprising resistance and the longer the embargo lasts, the more these countries lose, not only from lost trade but also from losing their exclusive rights to economic links with Burundi. Burundi's economic policy for survival has made it less dependent on its neighbours and allowed it to find new trading partners which may prove preferable to the old ones, for example, South Africa, which has always ignored the embargo. Realising what they stood to lose, the Congo, Kenya, Zambia and recently Rwanda have publicly argued against maintaining the embargo. They are not the only ones to lose; Tanzania which is one of the hard liners on the Burundi embargo, loses tens of thousands of dollars a year, due to the suspension of traffic from the port, railway and roads.

3. The embargo has had little effect on the ruling classes, the army or the political structure of Burundi.

Burundi's resistance to the embargo is largely due to the development of a speculative and unofficial economy. The biggest profits have come from fuel, coffee, and foreign exchange. Paid for in foreign currency by the State, the profit margin on a litre of petrol can be as much as 100 BUF, after paying the cost of transport. The regulations concerning the sale of coffee, previously sold by auction, have allowed some private companies to make one-off business deals. Currency exchange is another source of profit. Under the embargo, only the Central Bank can grant import licences, but a number of dummy companies have been set up in the neighbouring countries to bring in foreign currency. The currency is then sold on the black market at a profit of 100 to 200 BUF per dollar.

Rather than redistributing wealth, the embargo has made the rich richer and the poor poorer. In order to organise this cross-border transportation between Rwanda, DRC, Kenya and Tanzania, it was necessary to have initial funds and contacts in the neighbouring countries. Since they had easy access to these resources, military personnel, businessmen and politicians formed lucrative alliances. Those connected with government and the army were particularly well-placed. Officers in the various armies collaborated with businessmen and transport companies to facilitate the passage of goods. Transportation companies stood to gain from these connections, reinforcing their monopolies in commercial and passenger transportation, increasing their profits and diversifying their activities. The owners of ship and truck transportation companies financed the first airlines flying to Dubai and South Africa. Members of the militia used their access to fuel stocks to consolidate their role as intermediary in the transport of fuel and agricultural produce.

Ironically, the speculative economy and search for alternative routes are so well-developed now that Burundi is actually providing its neighbours with certain products. Fuel is now cheaper at Bujumbura than at Kigali. The suspension of economic activity in Congo-Zaire during the conflict allowed Burundi to explore some interesting openings, for instance the main sugar factory at Uvira has closed because of the conflict. The resumption of war in the very productive north of Rwanda has led to a fall in the production of potatoes, rice and beans, forcing Rwandans to buy them in Burundi. However, the popularity of these products with neighbouring countries has led to shortages and price increases in Burundi.

The State has not directly benefited from this. Rather than reducing the power of the elite, it has improved their access to wealth and power. From the government's point of view, this new style economy is welcome in spite of the accompanying corruption. It had to find a way to export coffee to keep the country going and petrol for transport. Public funds are suffering as the government has been forced to support these initiatives and even acts as a silent partner for some private dealers. The embargo has given rise to corrupt practices, which could continue after it is lifted.

As a result the embargo has not fundamentally changed the Burundian political situation. Major Buyoya is still in power, surrounded by the same group of advisors. The embargo has even had a diversionary effect for the government, allowing it to control possible divisions among the military and civilian influential ruling group. The army remains untouched, supplied by Rwanda and other countries.

4. The continuing embargo weakens Buyoya and the forces for peace

Continuing the sanctions puts the credibility of the peace process at risk. If the Burundians lose hope for the negotiations, they may fall back on their old stance or favour armed combat. As we see, support for the negotiations is very weak and by not recognising the President's efforts the embargo ignores the moderate, pacifist factions in the country and lends support to extremists advocating the use of force.

Today, for political and economic reasons, Buyoya's government's credibility hangs on the lifting of the embargo and the improvement of relations with neighbouring countries, especially Tanzania. Sanctions have had a strong psychological effect on the Burundian people, creating a ghetto mentality and the condemnation of the government by the surrounding region and the international community has made them feel abandoned and rejected by the whole world. The inability for the outsiders to enter or leave the country is looked upon as a conspiracy to hide the injustice of the embargo from the outside world and adds to their feelings of ostracism and humiliation.

The ghetto mentality has galvanised the forces hostile to negotiation and provoked a nationalistic fervour and a reaction of anger. This has led to a loss of confidence in the President and weakening support for his policies, even on the part of those who brought him to power. His lack of success in the region has caused some of his opponents to call for his removal from power. The failure of the "Buyoya solution" might cause even the officers who brought him to power to turn to a more radical solution. The death of the Minister of Defence, one of the few to be trusted by the President and the army, and the liberation of former President Bagaza, who could mobilise the extremist factions, put the President's relationship with the army in some danger. Under house arrest, with his party dismantled and power taken away in the *coup d'Etat*, former president Bagaza has made no secret of his desire to overthrow President Buyoya³⁵.

An army *coup d'Etat* would have catastrophic consequences. It would polarise the conflict, destroying any chance of long term peace and provoke previously peaceful movements to arms. President Buyoya maintains a minimum stability in the region, whereas a more extremist military regime would make a negotiated settlement difficult and could lead to an armed intervention of the countries in the region.

A more cynical option would be for Burundi to continue the Arusha process to avoid alienating regional countries, but without making any significant concessions, continuing to give the impression of being willing to negotiate whilst imposing impossible conditions. The peace process could continue indefinitely without affecting those involved in the conflict and allowing them to maintain the status quo.

5. The Arusha process has promoted a "win/lose" mentality

The Arusha process has become part of the Burundi problem as it is being used as a lever by the negotiating parties. The conflicting parties all insist that they want to negotiate whilst simultaneously manipulating the process to defeat the other party, not to come to an agreement. The Arusha process is thus taking the place of the armed conflict which so far has not been decisive. The Tutsi accuse the mediator of partiality and refuse to take part; FRODEBU takes the regional position and tries to impose its argument. By supporting the FRODEBU position the region has obviously

³⁵ President Buyoya's press conference on 26 March at Bujumbura.

decided to put pressure on the government and not the other negotiating parties. The effects of maintaining the embargo demonstrated this at the Kampala summit. A few days before the summit, the CNDD called on the region and announced that they were withdrawing from the talks. A few days after the summit FRODEBU published a communiqué denouncing the debate as a government manipulation.

6. The embargo has shifted the emphasis of the problem

Since July 1996, the government has fought to have the embargo lifted, launching a campaign to end the diplomatic isolation of Burundi and regain international recognition. The President has visited the neighbouring countries; to Kinshasa for the investiture of Laurent Kabila and later on an official visit³⁶, to Musoma to meet President Nyerere; and to Uganda, Rwanda and Eritrea. At the same time his Foreign Affairs Minister and various delegations have explained the peace process in the regional countries. Since the Arusha process became blocked, the government has toured the region seeking international support. Major Buyoya accepted an invitation from President Compaore to visit Burkina Faso, went to Libreville for the Central African States Economic Community meeting and recently went to Paris and Rome in an attempt to “de-enclave” Burundi.

If the embargo has kept the government busy, it has created a diversion in domestic discussions about peace. At a moment when all efforts should be concentrated on communal peace plans, Burundian political leaders are debating the pros and cons of the Arusha process, the personality of the mediator and the effects of the embargo. Most important in the Burundi discussions are the interests of the regional countries in the Burundian conflict and how to respond to them. In every discussion, Tanzania and Uganda appear to be the scapegoats. Talking about the embargo avoids having to confront the real problems and the search for a solution.

7. Burundi’s impoverishment reduces the chances of long term peace

Over the long term, the embargo has helped to impoverish the population and reduce the economic ability of the country. This impoverishment works contrary to the resolution of the conflict. Burundi is already one of the poorest countries in the world and for five years experts have been warning that this poverty is one of the prime factors in the conflict. A very small amount of land is divided amongst one of the world’s densest populations; there is little prospect of employment for young people; the wealth lies in the hands of the State and the few who have access to it. By weakening the State, increasing competition for the available resources, undermining the situation of the people, the economic blockade has a counterproductive effect. It does nothing to encourage peace in the short term and it blights its future for several years. If international co-operation is needed for a return to peace, it must be substantially greater than the amount provided in 1993 to refloat the country.

8. The embargo has reduced international presence and possible

³⁶President Buyoya went to Kinshasa on 1 March 1998 to discuss bilateral relations and regional security problems with President Kabila.

witnesses

In restricting international travellers from entering and leaving, the embargo has prevented an international presence from acting as a source of information and guarantee of government behaviour. Burundi's isolation is contrary to the notion of the observation and preservation of human rights and government responsibility to its people.

9. Assessment of the impact of the embargo

If the embargo was effective at first, it has now become useless and counterproductive.

In relation to the initial objectives:

- the economy has not been destroyed
- the country has been impoverished and the most vulnerable of the population endangered
- the embargo has had no effect on the ruling class or the army
- Major Buyoya is still in power
- the military solution still prevails
- discussions are at an impasse

Side effects of the embargo:

- it weakens Buyoya and the forces for peace
- it has promoted a win-lose mentality
- it has shifted the emphasis of the Burundi problem
- by impoverishing the country, it reduces the chances of long term peace
- it has reduces international presence and possible witnesses

B. A CONTESTED MEDIATION PROCESS

After one and a half years of the embargo, we can legitimately ask if the solution of the regional chiefs of State has had any positive results. If there is a valid principle of regional responsibility for Burundi, if the application of sanctions is a valid solution in itself, should regional action be criticised? In the case of Burundi, was it justifiable to have excluded the wider international community from the Arusha peace process? Have regional leaders shown an appropriate response to the Burundi problem? Several questions remain unanswered.

1. Have the countries that imposed the sanctions obeyed their own rules?

The most striking contradiction is that the countries imposing the sanctions were the first to violate them. They allowed a cross border contraband trade to develop and authorised goods to pass through their own land. The greatest beneficiaries of the embargo were those of the same region: the Rwandan government, senior Tanzanian civil servants who owned the transport companies which delivered the fuel or managed the transport via Lake Tanganyika and collected tax on the goods going through the port.

This flexible application of sanctions suits private economic interests of an influential minority from the regional countries and the desire of some not to weaken the country too much for security reasons. Earlier we mentioned Rwanda which excluded the provisioning of the Burundian army from the embargo.

If Burundi's neighbours could not respect the embargo themselves, it is hard to imagine how it could be watertight and function efficiently. Besides, the violation of the sanctions by those who had imposed them damaged their credibility.

2. Does the mediation process enjoy broad based support within the countries of the region?

Regional leaders are encountering growing opposition within their own countries to their policy towards Burundi. The regional press publicises these debates. In Tanzania the government is coming under pressure from trade people to lift the sanctions. In November 1997, regional chambers of commerce launched an anti-sanction campaign and signed a resolution denouncing the damage done to regular business by the embargo³⁷ and its enriching of a politically influential minority.

Worried by the deterioration in their relationship with a neighbour as close as Burundi, the political oppositions in regional governments have made their concern known to their heads of State. The Burundi problem is becoming the catalyst for the threatened deterioration in security and the crumbling of national consensus in the countries of that region. In December 1997, four Ugandan parliamentarians, members of various commissions for foreign affairs, economy and transport, made a report denouncing Tanzania's violation of the embargo and the use of Tanzanian territory as a base for a rebel coalition, supported by Sudan and operating along the Mutukula-Kigoma route in conflict with the Burundian, Ugandan and Congolese governments. They cited reports claiming that NRA deserters along with other rebel Ugandan groups³⁸ had joined up with Leonard Nyangoma's Force for the Defence of Democracy. The publication of this report caused a chill in relations between Tanzania and Uganda. President Mkapa strongly denied that Tanzania had violated the embargo and accused Burundi of transforming a domestic conflict into a conflict between Burundi and Tanzania. The Ugandan Ministry for Foreign Affairs also disagreed with the report, denying the use of Tanzanian territory by the coalition and reaffirming their support for the sanctions.

The various governments' lack of support for their heads of state was obvious at the Kampala summit. The regional countries' council of ministers declared itself against the embargo on the day before the summit of the heads of state on February 21 in Kampala.

³⁷The president of Eastern and Southern Africa Business Organisation (ESABO) asked the Common Market for Eastern and Southern Africa (COMESA) to lift the sanctions on Burundi as they had disastrous consequences for the member states.

³⁸ such as the Federal Revolutionary Movement, the Allied Democratic Forces and the Kivu Liberation Movement.

3. Do the neighbouring countries have a fair perception of the causes of the Burundian conflict?

The comparison of Burundi with South Africa is only partially valid, as it underestimates the differences in their histories and the depth to which violence has affected Burundian society. South Africa has not suffered the massive waves of genocidal violence that have swept across Burundi since independence in 1962. The violence in South Africa was not modelled on the example of a neighbouring country such as Rwanda's ethnic genocide and the civil war in South Africa was never of the same intensity as that in Burundi. Finally, South Africa was colonised by the white race, whereas the Hutu and the Tutsi shared the same culture, the same language, had been part of the same country for centuries and had shared its commerce and government.

4. Should the restitution of constitutional law be applied on principle to all similar cases or is Burundi an exception?

The regional countries admit that the embargo is being imposed on Burundi on principle as a political sanction against the government³⁹. However the conditions imposed by these countries seem to have been dictated more by geography than by logic. In as much as Paul Kagame overturned a criminal government and Laurent-Désiré Kabila a dictator, the recent example in Congo-Brazzaville proves that Burundi has been the victim of a double standard. The *coup d'Etat* in Brazzaville, where a democratically elected president was violently overthrown by his predecessor failed to raise the slightest protest from the regional countries or the international community.

Furthermore, those regional leaders who condemned the forceful replacement of the Burundian head of state and demanded the restoration of Parliament and the political parties, mostly came to power or remain in power by force of arms. They have only recently introduced a multi-party system in their countries. The governments of Uganda, Rwanda, Congo, Tanzania, Kenya, Zambia, Ethiopia and Eritrea used to have authoritarian single party systems in their countries, and in DRC and Rwanda the party system does not work. Tanzania and Uganda held their first presidential elections in 1995 and 1996, and still today political opposition to the governing party is strictly controlled. Although these regimes argue that more sustained efforts should be made to bring democracy to the region, their own behaviour during their first years of rule has not shown much respect for the principle of democracy.

5. Is Tanzania the best place for negotiations?

Relations between Burundi and Tanzania were good until 1972, but deteriorated in 1973 when Tanzania imposed a unilateral embargo on Burundi. This embargo was lifted after the intervention of Mobutu.

³⁹ At a press conference following the Kampala summit The Ugandan Deputy prime minister and the Minister of Foreign Affairs that the embargo is " a selective sanction to pressure the Buyoya regime into negotiations".

Another unilateral arms embargo which Tanzania imposed on Burundi after the assassination of president Ndadaye in 1993 was relaxed allowing the passage of arms until mid 1996⁴⁰.

Tanzania has not had an embassy in Burundi for 7 years and Uganda and Kenya have never had one. Neither Tanzania, Uganda, nor Kenya recognise Buyoya's government. Only the Congo and Rwanda maintain diplomatic relations with Burundi. In October 1995, the Tanzanian government expelled the Burundian Ambassador named in 1993 by the first Buyoya government and without giving a reason, refused to accept a replacement until July 1996. In November 1996 they refused to renew the replacing diplomat's visa. At the same time, the Burundian government was informed by Tanzania that by unilateral decision they had decided to terminate Burundi's diplomatic representation at Dar es Salaam and expel the two diplomats, pledging however, to ensure the protection of the embassy and its contents. In November 1997, having accused the last remaining embassy employee of illegal activity, Tanzania refused to renew his visa. From November 1997, the Tanzanian government allowed the Burundian embassy to be used as a base for the CNDD and FRODEBU leadership in exile. It had been decided at the power-sharing agreement reached at the signing of the Government Convention in 1994 that the embassy should be controlled by a member of FRODEBU. By this act the Tanzanian government demonstrated to the Burundian government its acceptance of FRODEBU as the legitimate representative of Burundi, thus contributing to the military tension on the border between the two countries.

Another cause of tension is the presence of Burundian refugees. Tanzania has a restrictive refugee policy and has expelled or turned back many of them. Now a portion of Tanzanian territory seems to have been used as a sanctuary by rebel Burundians, sheltering in the refugee camps as did the ex-FAR and Interahamwe in the east of former Zaire. There have been armed attacks on the north east and south of Burundi from Tanzanian territory, some from these refugee camps on the border. The Ugandan delegation's report speaks of a rebel coalition composed of Burundians, Rwandans and former Ugandan soldiers crossing Tanzanian territory. Relations between Tanzania and rebel groups are long standing, the rebel groups Frolina and Palipehutu having been formed there from refugees fleeing the 1972 massacres. Frolina and Palipehutu have maintained a base there for ten years and Burundians have trained and served in the Tanzanian army.

6. Should a mediator play an active role in advocating sanctions?

The cooling of diplomatic relations between Tanzania and Burundi poses three problems: can mediators impose conditions when they do not recognise the government of Burundi? Next, how good can mediation be if there is no information coming from within the country and no attempt to build trust between the conflicting parties? The absence of diplomatic links emphasises Burundi's isolation and makes it appear as a punishment without leave to appeal. Burundi is cast as a pariah and the mediator

⁴⁰*Stoking the Fires; Military Assistance and Arms Trafficking in Burundi*, Human Rights Watch Project, December 1997.

becomes Burundi's enemy rather than its interlocutor. Neither President Nyerere nor President Museveni have visited Burundi since Major Buyoya came to power in July 1996, nor have they sent any delegates until very recently⁴¹. In the absence of visits or official diplomatic representation, their information must be fragmentary and does little to modify their opinion.

There are also inflammatory rumours that armed regional intervention is still a valid option. At the Kampala summit President Museveni spoke of three options: the maintenance of the status quo; peaceful pressure through sanctions; powerful pressure through armed combat⁴². Rumours of a young Tutsi militia being trained in Uganda by former dignitaries of the Bagaza regime⁴³ and rebel attacks from Tanzanian soil contribute to the idea of military threat and do not create favourable conditions for dialogue between Burundi and the mediators.

Although sanctions and confrontation are valid measures to impose on an unacceptable regime, they are in direct contradiction to the principal of neutrality in mediation.

7. Irrationality in mediation?

By adding to the conditions for the lifting of the embargo at the regional summit in *Dar es Salaam* on September 4th 1996, the regional leaders left themselves very little room to manoeuvre and no choice but to stick to their position as long as the conditions were not fulfilled. They appeared to want the president to capitulate without leaving him any way out. The long list of exemptions and the alternative ways of business already existing made it difficult to find any leverage. At the same time lifting the embargo would mean the end of the Arusha process and the end of Julius Nyerere's mandate in the regional countries. Lifting the embargo because of the failure of sanctions and without it resulting in discussions would be to admit the failure of mediation. Failure would be an unacceptable option for great leaders such as Nyerere, who enjoys enormous respect and Museveni, who has transformed Uganda from a war-torn dictatorship into a stable and economically viable country. One of the reasons for the stalling of the Arusha process is that after Buyoya's refusal to attend on 25 August 1997, the mediators were reluctant to suffer a further humiliation. Presidents Nyerere and Museveni are staking their credibility as leaders as well as the prestige of the region on the peace process in Burundi.

There is a subjective element which is increasingly evident in Buyoya's relations with the regional leaders. It appears that President Nyerere, who trusted Pierre Buyoya before he took power and relied on him to find a political solution for Burundi, felt betrayed by the July 25th coup. At first he tried to support the president and give him room to manoeuvre with the extremists, but he was confronted with Burundi's consecutive refusals to attend the Arusha process. He seems to have been particularly upset by

⁴¹ President Nyerere sent a Special Envoy at the end of March to discuss the resumption of the talks.

⁴² Quoted by AFP, February 21st 1998.

⁴³ The creation of such a militia on Ugandan territory could represent a threat to destabilise the present Burundian Government.

the accusations of support for the armed factions and partiality in the conflict.

Yoweri Museveni also has publicly expressed hostility to Buyoya. This springs from several factors. Former president Bagaza provided aid in kind as well as several million dollars to the NRA movement on the overthrow of Obote. In return President Museveni offered asylum to Bagaza in 1987. President Bagaza settled in Libya but his family moved to Kampala. In spite of their claims, this debt has never been repaid to Burundi. In addition, after the assassination of President Ndadaye, Uganda offered political asylum to some of the officers involved in the 1993 putsch. Kampala's response to demands for their extradition has always been ambiguous. These old relationships explain President Museveni's continued insistence on the granting of freedom to his former opposite number, Jean Baptiste Bagaza, accused of plotting to kill President Buyoya and under house arrest in Burundi. It might also explain why Uganda allows the setting up of a network of members of Bagaza's PARENA.

C. The attitude of the international community

The international community's attitude to the Burundi problem has always been ambiguous from the start as mentioned above the obsession with genocide has guided the politics of the international community.

There have been three different approaches:

Immediately after the coup in 1993, the OAU sent military observers to try to restore democracy. They received no co-operation from the army and were quickly marginalised.

The second phase, between November 1993 to October 1995, was on the initiative of Ambassador Ould Abdallah, Special Representative of the Secretary General of the United Nations. Its aim was to sideline the extremists and support the moderate centre. The idea of the Government Convention, which excluded the armed factions, was to give responsibility for the state to all the parties who had refused to arm. However, it was the exclusion of the armed factions which bogged down the Convention. Their military strength increased and contributed to distancing the military situation from political debate. In the climate of terror prevailing under the Convention, the moderates were swallowed up by the other parties. The Convention had been negotiated out of fear, when each party was fighting for survival following the putsch of 1993 and the ensuing massacres. To counter this violence the Secretary General of the United Nations had proposed sending a peace keeping force. In a letter to the Security Council, dated 29 December 1995, Boutros Ghali suggested the deployment of a preventative multinational stand-by force along the border with Zaire. However, after lengthy discussion of these plans, it appeared that no country was willing to take responsibility for this operation or to send troops.

Thus, in March 1996, when Julius Nyerere was chosen as chief mediator in the Burundi conflict, the international community laid all its hopes on him to resolve a crisis which was a source of great worry in the region and too complex for a conventional solution. President Nyerere had a two part approach: consolidate

the Government Convention and negotiate with the armed factions. After the failure of the first meetings in Mwanza in Tanzania, he supported the idea of regional military assistance for Burundi, but the parties were unable to come to a prior political agreement and the *impasse* ended in the 25 July *coup d'Etat*.

Although the countries of the west had been unanimous in their condemnation of the *coup d'Etat* in October 1993, three years later opinion was split. Showing some indulgence to the putschists and leaving the defence of democracy to the regional countries, they appeared to have found a way out of military intervention in Burundi.

The international community's attitude to sanctions reflects its puzzlement and its desire to gradually wash its hands of the problem. The handling of the question of the legality of the sanctions in regard to international law shows that there is no alternative to Nyerere's mediation. According to the United Nations Charter, the Security Council has primary responsibility for maintaining peace and security internationally (Art. 24, par. 1 United Nations Charter). In certain cases, The Security Council may use regional organisations in collective peace-keeping operations (Art. 53). However no regional action can be undertaken without prior consent from the Security Council. In the case of Burundi, the regional heads of state had decided to impose economic sanctions without the authorisation of the Security Council. After the fact, the Security Council, in resolution 1072 of 30 August 1996, affirms its "firm political support of the leaders' efforts in the region", without explicitly mentioning sanctions. Nevertheless, in his report to the Security Council on 29 October 1996, the Secretary General refers to this same resolution as having "upheld the sanctions". It seems that there was no political consensus between the members of the Council on support for sanctions, but that in the absence of alternative solutions, the discussions ended in agreement on support for Nyerere's mediation. Therefore, the Council reached a political decision not to go against the regional leaders' decision by applying Article 53 of the Charter. This decision translates as a growing international support for regionalising responsibility for matters of peace and security.

After one and a half years of regional mediation, the international community seems to be split on the question of the embargo and Burundi. Madeleine Albright's recent visit to Africa in January 1998, as well as President Clinton's visit to Africa, with Kampala as one of his key stops, at the end of March 1998 confirms American support for regional dynamics. The Entebbe Declaration of Principles⁴⁴ provides a framework for future co-operation between the United States and the countries of the region.

In order to escape from the embargo *impasse*, the Burundian president has recently been playing the French card, going to the CEEAC "Economic Community of the States of Central Africa" meeting in Libreville, receiving francophone parliamentary delegations and even recently going to Europe. He met with French president Jacques Chirac, the Italian President, Oscar Luigi Scalfaro and Pope Jean-Paul II. This European visit was crowned with success as France, Italy and the Vatican denounced the sanctions and France even announced the resumption of its cultural co-operation as well as its support for the Buyoya regime. International co-operation had been halted for security reasons before Major Buyoya came to power. Now the embargo problem is tied to that of

⁴⁴ Communique, Entebbe Summit For Peace and Security, 25 March, 1998, Entebbe, Uganda.

the resumption of aid and there is talk of lifting the embargo and resuming aid without linking it to the security issue.

VI. CONCLUSIONS

Twenty months later, an assessment of the government provides positive and negative results. The battle against insecurity has not been entirely successful. The fight against impunity has not been able to make an impartial attack on those really responsible for the 1993 putsch or the criminals in both camps. Buyoya's method of governing allies him to the ruling class and the army has hindered his participation in the negotiations and diminished his will to reform the status quo. The military option still prevails and the country has a surplus of arms. The government only reluctantly complied, in its own time, with conditions imposed by the region. The Assembly and the parties function under supervision and, above all, in spite of the government's expressed wish to negotiate, the external peace process remains blocked. Nevertheless, there are some definite signs of progress. The internal process and the *rapprochement* with the National Assembly and the internal FRODEBU faction give real hope for moving towards a lasting peace. The Assembly and the government are now openly discussing the establishment of a transition government which could lead to external negotiations. The FRODEBU president's authorisation for the a national congress last December and the clearing of Leonce Ngendakumana, the president of the Assembly's file on March 16th are two more signs of the government's good will. Lastly, the idea of negotiations, which a few months ago aroused violent protest, is gaining ground in the different political groups and in Burundian public opinion, although the agenda is still uncertain.

The government's plan for dialogue and national consensus is a reminder of that organised by Pierre Buyoya, following the troubles in 1988. This led the way to the National Unity Charter proposed by referendum to the Burundians on 5 February 1991 which led, in turn, to the 1992 Constitution and to the law on political parties in preparation for multi-party government in 1993. It could be thought that the president had decided to adopt the same policy since 1996, but the situation is different today and he cannot pick up where he left off in 1993. The violence of four years of war and a year and a half of embargo has given rise to feelings of terror and a ghetto mentality. Solidarity has been diminished as people become more wary and trust between the different elements of Burundian society has withered.

To a certain extent, it must be agreed that the regime needs time to reform Burundi's system from within and internal dialogue cannot be rushed. However, the president has not shown any strong leadership in reforms nor given any substantial content to the negotiations. If no decisive step to reform is taken in the near future, President Buyoya will risk proving the regional countries to be right in their uncompromising attitude. The only way the external world will accept him as a legitimate head of state is if he negotiates with all the parties. This is also the sole condition for which the sanctions will be lifted.

After being in power for one and a half years the Burundi government is walking a tight rope. In addition to sanctions and the hostile attitude of the region, there are several internal challenges to face: a narrow political base and the radicalisation of certain elements in its camp: the lack of a strong civilian society to carry along the peace process: a fragmented opposition: the threat of rebellion and the social and economic crisis which threatens the functioning of the State and its institutions. In the short term, the best plan for consolidating its power would be to renounce once and for all the military option, which will never satisfy the claims of the Hutu and adopt an open and willing dialogue with the Hutu parties. This would, in the long term also be a lasting solution for the country.

In principle, military rule is unacceptable but the only way to maintain stability in this transitional period is to continue the discussions between the government, the national Assembly and the political parties. Since sanctions have reinforced the conflict between the government and its opposition rather than facilitating dialogue, they have become counterproductive. Buyoya's regime, rejected by the neighbouring countries, is balancing on a knife edge. The Heads of State are taking a risk and we must question the wisdom of destabilising Burundi in view of the volatile security question in the countries of the region. The war in northern Uganda has continued for ten years, war has broken out again in Rwanda and seems about to break out in Kivu. Despite their different agendas, the militias and demobilised armies in the region have potential for destabilisation. Buyoya is despite all a guarantor for stability as long as he has the authority over the state and the army. There will not be any negotiations if a minimum stability does not exist.

The international community must help to relaunch the peace process and to resuscitate the economy in Burundi by sending a clear message to the various parties there, putting aside individual differences. The United States should not unconditionally support the neighbouring English speaking countries at Burundi's expense and France, which favours the restoration of co-operation with Burundi should not attempt to play the country off against the regional Heads of State.

VII. RECOMMENDATIONS

The priority for regional leaders and the wider international community must be to help re-launch negotiations between Burundi's opposing factions and to initiate a genuine transition process. To achieve this objective, ICG believes that the economic blockade imposed on Burundi by countries of the region following the 1996 coup must be lifted. At the same time, a number of steps should be taken to create conditions necessary for constructive dialogue. None of the parties to the conflict should be left with any excuse to justify boycotting the talks. Arguments about a regional versus a national approach to dialogue should be put aside once and for all so that attention can shift to the actual agenda to be discussed. In the event the peace process collapses again, the international community will need to consider further measures, including freezing of the overseas assets and restricting travel for the governing elite. Specifically, ICG makes the following recommendations:

1. Support the establishment of a transition government

In June 1998, the term of the National Assembly expires. In July 1999, the three year transition period declared by Buyoya following the July 1996 coup, comes to an end. The international community should therefore be ready to support the establishment of a transition government tasked with overseeing and contributing to the process of internal dialogue and with taking part in the external, regional peace process.

2. Support the internal process of dialogue within Burundi

An internal dialogue between all the parties to Burundi's conflict is an essential component of the wider peace process. Dialogue needs to be strengthened, broadened and deepened. It should be underpinned by measures designed to build the confidence of all factions of society in the peace process. This will take time and require an imaginative approach. Initiatives that might be considered include exchanges between representatives of Burundian society and those of other societies affected by conflict; financing seminars that bring together opposing groups to explore options for peaceful co-habitation; support for reconciliation projects; the dispatch of multi-ethnic delegations to the countryside to explain the process to local communities and seek their views.

3. Lift the sanctions

The negative effects of the economic blockade have come to outweigh any positive effects it may have had. Continuing further with the same policy risks hindering the process of internal dialogue, fuelling extremist elements in Burundi society and contributing to a dangerous destabilisation of the situation.

4. Re-launch the peace process

- **A regional summit should be convened at Arusha** as soon as possible: the regional leaders will not agree to lift the economic blockade until negotiations begin officially in Arusha.

- **Sub-committees should be created to focus on specific issues** to be included in the negotiation process. Each sub-committee should be presided by co-mediators. The set of issues agreed during preliminary talks in Rome should be used as the basis on which to structure the agenda. The co-mediators should adhere strictly to the principle of neutrality, they should not actively advocate one solution or another and should seek to build up the trust of all participants. The co-mediators should be Africans but not drawn from the countries of the region.
- **Once negotiations have begun, the venue should be moved away from Tanzania**, which is no longer seen as neutral territory by all the potential participants. Recent conferences hosted by UNESCO in Paris and by Synergies Africa in Fribourg have shown that the parties are ready to meet outside of Arusha.

5. Provide international assistance to strengthen the judicial system

The issue of impunity needs to be addressed as a matter of urgency. The constant recall of past killings and exchanges of accusations of atrocities is an obstacle to reconciliation and dialogue. In the absence of a functioning International Criminal Court or an Ad Hoc War Crimes Tribunal for Burundi, consideration should be given to the establishment of a Truth Commission based on the South African model or a Research Commission tasked with investigating all massacres since independence.

In addition, the international community should be ready to send both financial and technical assistance to help improve the functioning and strengthen the independence of the judiciary. In the short-term, the emphasis should be on sending judicial observers and trainers to help demonstrate the separation of judicial and executive powers. In the longer-term, reform the recruitment and education of judges and lawyers of both communities will be necessary to help re-balance the judiciary and build public trust in the system.

6. Review development assistance programs

Development assistance aid has an important role to play in helping to rebuild Burundi, restart economic activity and lay the basis of future, stable development. To avoid the risk that funding might be diverted into military or security force budgets, donors should seek to distribute aid at a local level, through, for example selective, direct investment in:

- micro agricultural projects
- infrastructural project in the more stable provinces
- small enterprises
- diversification of production
- employment creation programs
- civil society organisations
- independent media

7. Facilitate the repatriation of Burundian refugees in

Tanzania

Repatriation of Burundian refugees currently sheltering in Tanzania would remove an important source of tension in the relationship between Burundi and Tanzania. A repatriation program has been agreed already by the two countries and the UNHCR. This should be implemented as soon as practicable.

International Crisis Group
Bujumbura, Burundi
28 April 1998