

# **BURUNDI: BREAKING THE DEADLOCK**

## **The Urgent Need For A New Negotiating Framework**

14 May 2001



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## **BURUNDI: BREAKING THE DEADLOCK**

### **THE URGENT NEED FOR A NEW NEGOTIATING FRAMEWORK**

#### **OVERVIEW AND RECOMMENDATIONS**

The attempted coup d'état by a group of young army officers against President Pierre Buyoya on 18 April 2001 was a grave warning about the peace process in Burundi. More than eight months after its signing, in August 2000, the Arusha peace accord is at an impasse. Questions that were unresolved at the time have still not been dealt with and the conditions for the accord's implementation have not improved. There is no cease-fire in sight between the army and rebel groups, and the leadership of transition envisaged at Arusha has still not been chosen. Moreover, the Implementation and Monitoring Committee (IMC) seems to be ineffective and incapable of fulfilling its mission.

Nelson Mandela, in spite of receiving the support of regional heads of state and the international community, has failed persuade the rebel groups to renounce violence and accept the terms of the Arusha accord. Far from weakening their position, the death of Laurent Kabila appears to have convinced the rebels to go ahead with their long-planned offensive against Burundi, which remains the weakest link in the anti-Kinshasa alliance. From a situation of "Neither War nor Peace"<sup>1</sup>, Burundi is sliding once again towards widespread civil war. Both the army and the rebels are now preparing for a major confrontation.

In the mean time, the political drama continues, with neither of the proposed leadership scenarios of the current president/vice president or ex-

interior minister/ex-secretary-general of FRODEBU permitting an impartial or satisfactory implementation of the peace accord. The first scenario is nothing but a dangerous continuation of the status quo, demonstrating the regime's reluctance to relinquish power, while the second may reflect a real change of head of state, but would give legitimacy to another "institutional deadlock".

With security deteriorating, a humanitarian catastrophe underway, and political fragmentation in both camps, the limited achievements of the Arusha accord are shrivelling to nothing. Although part of the responsibility for the obstruction of the peace process lies with President Buyoya, he is becoming the major target of resentment and faces the real risk of assassination. Such an event would undoubtedly provoke a reckoning between political leaders, and renewed ethnic violence.

It would be counterproductive to press for the implementation of an empty accord. However, the status quo is just as dangerous and must not be allowed to continue, as the war option becomes more likely. A radical change in the management of the peace process is therefore needed.

Nelson Mandela should offer Pierre Buyoya an honourable exit strategy, but must also obtain assurances that the current political-military power structures will be dismantled. A power-sharing agreement should be negotiated, but only between UPRONA (Union for National Progress) and FRODEBU (Front for Democracy in Burundi). All other small political parties should be excluded from these initial negotiations. The agreement

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<sup>1</sup> "Burundi: Neither Peace nor War", ICG Africa Report N°25, 1 December 2000.

should then be sealed with the drafting of a transitional constitution, to decrease the risk of manipulation of the institutions during the transition period. The format of the IMC should also be revised.

A cease-fire will never be established until the peace processes of Burundi and the Democratic Republic of Congo (DRC) are harmonised, especially in relation to the so-called “negative forces”, and as long as DRC President Joseph Kabila and Tanzania’s President Benjamin Mkapa do not engage personally in the negotiations. An agreement to provide incentives to those who stop fighting, and sanctions against those who refuse, should be imposed by Burundi’s donors.

Beyond the region, Nelson Mandela should build a united international position for the resolution of the conflict. Burundi should not be subjected to competition between English and French speaking mediators. Nor should leaders of the PALIPEHUTU-FNL be able to go to Pretoria while CNDD-FDD leaders meet Burundi’s representatives in Gabon’s capital Libreville to negotiate identical issues of a cease-fire and the reform of the armed forces.

## **RECOMMENDATIONS**

### **TO THE FACILITATOR NELSON MANDELA:**

1. Clarify mediation responsibilities between Libreville and Pretoria. President Mandela could negotiate the departure of Pierre Buyoya while South African Vice President Zuma could finalise an agreement on power-sharing between UPRONA and FRODEBU. President Omar Bongo of Gabon could take responsibility for cease-fire negotiations with the FDD and FNL. This redistribution of tasks should be ratified by the members of the Regional Initiative for Burundi.
2. Recruit an international team of professional mediators to work full time on Burundi. Appoint an official to liaise with the Lusaka peace process (DRC).
3. In South Africa, bring together the international actors involved in the peace process, (members of the Regional Initiative on Burundi, President Bongo of Gabon, President Kabila of DRC, President Mugabe of Zimbabwe, members of the UN Security Council, a representative of the UN Secretary General, and officials from Belgium) to discuss the creation of a united front and a common strategy to deal with the Burundi crisis.
4. Invite Pierre Buyoya to South Africa immediately to negotiate the terms of his political departure. These terms should then be presented to the UNSC, and endorsed by the international community. If Buyoya refuses, he should be threatened with personal sanctions (freezing of overseas assets, legal action, visa restrictions etc). Seek a UNSC resolution calling on member states to back the sanctions.
5. Once guarantees have been obtained for the departure of Buyoya, a transitional team of president and vice president can be named. Domitien Ndayizeye should be named transitional vice president on condition that talks on power-sharing between UPRONA and FRODEBU succeed and a transitional constitution is drafted.
6. Hold private meetings with UPRONA and FRODEBU on the drafting of a transitional constitution, and review the operation of the CSAA. The results of these talks should constitute the Pretoria Accord, which will complement the Arusha accord.
7. Submit the revised peace project, in the form of the Pretoria accord, to the 19 signatories of the Arusha accord for ratification. Those who refuse should be excluded from the institutions of transition.
8. Demand an immediate truce simultaneously from Jean-Bosco Ndayikengurukiye, Agathon Rwasa and Pierre Buyoya, and their swift engagement in unconditional cease-fire negotiations and reform of the security forces. The result of these talks should constitute the Libreville Accord, to complement those of Arusha and Pretoria.
9. Facilitate contact between FRODEBU, CNDD and FROLINA and those combatants who wish to disarm so that they will obtain a

mandate; bring together the three parties as well as the Burundian government to open negotiations on the reform of the security forces. The result of these negotiations will constitute Protocol II of the Pretoria Accord, to be ratified in the same way as the Libreville Accord.

10. Seek assistance from the government of Tanzania to establish a system of receiving, recording and identifying rebel forces who wish to lay down their arms. They will be given priority in the reform of the armed forces and the program of reintegration and should be able to choose their own representative to the Libreville talks.

#### **TO MEMBERS OF THE SECURITY COUNCIL:**

11. Urge the Secretary General to be actively involved in the implementation of the peace process, including providing regular reports to the Security Council and eventually signing the Pretoria and Libreville Accords as an observer.
12. Pass a resolution urging the Secretariat to begin the process of securing stand-by arrangements with troop contributors for the deployment of a peace keeping force within 30 days of the signing of the new peace accords. The mandate of such a force could include assistance to governments in monitoring Burundi's borders on Lake Tanganyika, in the Rusizi plain and near the refugee camps in Tanzania. Expand MONUC's mandate to assist border monitoring between DRC and Burundi.
13. Press President Joseph Kabila to immediately and unconditionally end support to the Burundi Hutu rebel groups.

14. If the leaders of the FDD and FNL refuse to declare a truce and participate in unconditional cease-fire negotiations and reform of the security forces, put in place the following measures:

- Ask all the signatories to the Arusha peace accord to condemn those rebels who refuse to negotiate; officially declare them to be called "negative forces." Impose UN sanctions on those rebel forces and their supporters with appropriate monitoring and reporting mechanisms.
- With the support of the international community, the governments of Tanzania and DRC, put in place an agreed plan to neutralise and disarm these Burundian rebel forces in co-ordination with the Joint Military Commission plan, established under the Lusaka Agreement.

#### **TO BURUNDI'S FINANCIAL BACKERS:**

15. Begin to release funds promised at the December 2000 conference in Paris to put the economy back on a productive footing, and assist the health and education sectors, with special attention to activities focusing on decentralisation.
16. Put in place strict controls on the use of aid to avoid its misappropriation, and tie conditions for payments to the dismantling of the private interests at the heart of power in the political-military oligarchy.

**Brussels/ Nairobi, 14 May 2001**



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### **THE URGENT NEED FOR A NEW NEGOTIATING FRAMEWORK**

#### **I. INTRODUCTION**

On August 28, 2000, the nineteen parties to the Burundi conflict signed a peace accord in Arusha in the presence of the regional heads of state and the US President, Bill Clinton. The accord, signed *in extremis*, did not include a cease-fire. The main rebel leaders could not be convinced to take part in the peace process. Eight months after signature of the accord, the peace process has made almost no progress, and none of the questions left answered by the Arusha accord have been resolved.

Since the start of the year 2001, two sessions of the Arusha accord implementation and monitoring committee (IMC) and a summit of the heads of state of the Regional Initiative on Burundi have been held, without significant results. The six-month 'interim' period expired in February without a cease-fire and without unanimous nomination of a transitional President. As a sign of the deadlock, war flared up again in September 2000 between governmental troops and rebel groups of the National Liberation Forces (FNL)<sup>2</sup> and the National Council for the Defence of Democracy - Forces for the Defense of Democracy (CNDD-FDD)<sup>3</sup>.

The main virtue of the signature of the Arusha accord was that it closed a cycle of negotiations, whose formula (i.e. including all the political parties but not the main rebel groups) had reached its limits. The main result was thus to obtain a minimal political agreement, particularly with

regard to the origins of the conflict, the paths to reconstruction of the country, and for the first time, the role and composition of the army and its relationships with civilian power.<sup>4</sup> However, the Arusha accord did not give rise to any results, in the absence of the rebel chiefs. In fact, the day after the signature of the accord, the rebel leaders increased the military pressure on several fronts.

Since September 2000, thirteen out of the country's fifteen provinces have been hit by war. The FNL even initiated direct attacks on the town of Bujumbura, shelling various peripheral quarters of the city and temporarily occupying the Kinama district (northern suburb) in February and March. Simultaneously, the FDD continued to launch operations in the south of the country, near the frontier with Tanzania. The Libreville meetings between President Pierre Buyoya and the leader of the FDD, Jean-Bosco Ndayikengurukiye, conducted under the auspices of Omar Bongo and Laurent Kabila, then his son Joseph Kabila, on January 9, then April 17, 2001, were not followed by any tangible effect. The sudden death of Laurent Kabila, considered to be giving military support to the Burundian rebellion, and his succession by his son, Joseph, do not seem to have changed the war-like determination of their protégés in any way. In fact, it appears to have triggered Laurent Kabila's plan of September 1999 to 'move the war towards the East, by first attacking Burundi'. Currently, the FDD and FNL appear to be coordinating their attacks. A new

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<sup>2</sup> FNL, *vide infra*.

<sup>3</sup> FDD, *vide infra*.

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<sup>4</sup> Cf. ICG, 'The Mandela Effect. Evaluation and Perspectives of the Peace Process in Burundi', Central Africa Report No. 13, 18/04/00, and ICG, 'Burundi : Ni guerre ni paix', *op. cit.*.



offensive on Bujumbura is expected in the coming days.

The direct consequence of the resumption of violence has been a dramatic worsening of the situation. At Bujumbura, over 50,000 people have been displaced following the February attacks. In the hills, displacements due to the fighting have produced an explosion in malaria epidemics and bacterial diseases, dramatically worsening the humanitarian situation, which was already catastrophic. The resurgence of violence has also resulted in a hardening of political positions. Buyoya's government, under pressure from the thirteen signatory political parties to quit its functions over the transitional period, now conditionally defers the set-up of a new executive to prior signature of a cease-fire with the rebels.

Conversely, Buyoya's rejection by the signatory political parties reveals a dangerous dissociation between the military and political thinking in Burundi. Despite the security threat, the Tutsi camp has not managed to reunite *behind* the head of state and, despite its commitment to restoring the constitutional legitimacy of 1993, the Hutu camp has not succeeded in uniting *against* the head of state. The dramatic fragmentation of the political forces in Burundi has become a threat to the peace process.

Application of the principles stated in the Arusha accord (i.e. good governance, an end to ethnic chauvinism, an end to impunity) is not appealing to the majority of the Burundian political class, which hopes to reproduce, over the transitional period, the neo-patrimonial practices of its peers, and profit from the USD 440 million promised by the international community at the Paris Conference in December 2000. Similarly, many political figures continue to believe that obtaining power by negotiation represents a form of redemption that will not only guarantee impunity for past crimes, but also enable them to increase their wealth.

All that must stop. Given its state of economic dilapidation, Burundi can no longer allow its politicians to share out its national resources between them. The peace process must produce change, and that change must include the end of impunity for both camps and the end of the monopolisation of the country's meagre resources by the governing elite.

Thus, the transition must necessarily be freed from the belligerents' threats and the hold of the political parties before the accord can be implemented. In order for the spirit of Arusha to survive, its current institutional legacy must be considered insufficient and a radical change in governance must be ensured, in particular by drafting a transitional constitution, eliminating misappropriation by the powerful, and reviewing the make-up and operations of the Peace accord implementation and monitoring committee.

#### A. A CEASE-FIRE REMAINS IMPROBABLE

The resurgence of violence and the deterioration of the security situation in Burundi have accelerated since the signature of the peace accord in August 2000. A critical point occurred with the temporary occupation of the Kinama quarter (Northern suburb of Bujumbura) in February-March 2001, and the deterioration has continued without a break since, particularly in the centre and south of the country. Since September 2000, almost all of the provinces have been affected by the fighting. Only Ngozi, Kirundo, Kayanza (North) and Karuzi (centre) have, for the time being, been spared.

For the Burundian rebels, the gradual intensification of military operations following the signature of the peace accord reflects several objectives. First, it showed defiance against those who seek to impose on the rebels the terms of a document that they themselves did not negotiate. Second, it sought to show that no agreement is possible without the rebels and that the rebels do not take seriously the threat of regional sanctions issued at the Nairobi summit in September 2000. That threat was, in any case, not very convincing. Third, the resumption of fighting was also aimed at reaffirming the political and military weight of the belligerents, in the run-up to the deadline for the start of the transitional period. For the leaders of the FNL and the FDD, the recourse to violence has become a means to thwart any significant advance in the peace process in the absence of the rebels. The escalation of violence has also enabled resolution of certain challenges to the leadership in the two movements and strengthened the rebels' positions pending future negotiations with the government.

However, seeking to strengthen military positions before negotiating is a zero-sum game. The

Burundian government, while militarily weakened but nonetheless undefeated, will refuse to negotiate until it has regained an advantage in the field. In the final analysis, then, the fighting will last indefinitely, although there is a possibility that, with the progress in the Congolese peace process and Joseph Kabila's need to honour his commitments with respect to the 'armed groups' identified by the Lusaka accord, the rebels may lose their current negotiating positions, become weaker and break up. Moreover, irrespective of whether the violence is elicited for purposes of internal remobilization, employed to convey a political message to the region, or used as a tactic to strengthen positions prior to negotiating, the resurgence of violence has two dramatic consequences for Burundi: first, the fighting is exacerbating the ethnic hatred underlying the conflict; and secondly, it is worsening the humanitarian catastrophe already underway, gradually killing off the hopes to which the peace process gave rise.

## **B. THE FDD FROM LIBREVILLE I TO LIBREVILLE II: OUT WEST, NOTHING MUCH NEW?**

### **1. The initial shock: Laurent Kabila's legacy**

The end of the year 2000 in fact coincided with the resumption of fighting in the Congo. The offensive of the Congolese armed forces (FAC), the victorious counter-offensives of the Rwandan Patriotic Army (RPA) and the targeting of the towns of Pepa and Pweto in Katanga by rebels of the Congolese Rally for Democracy - Goma (RCD-Goma) - have all resulted in the rout of the FAC, their allies, the FDD, and the former Rwandan armed forces (ex-FAR), despite support from the Zimbabwean artillery and aviation.<sup>5</sup> Fearing that Lubumbashi would be taken and a new Rwandan offensive would be launched against Katanga and Eastern Kasai, Laurent Kabila took the diplomatic initiative, with the support of the French government, by bringing the leader of the FDD, Jean-Bosco Ndayikengurukiye, to Libreville to meet with Pierre Buyoya, whom Kabila considered the weak link in the Eastern alliance.

The meeting on January 9, 2001, facilitated by President Bongo of Gabon, must be seen in the context of the Paris round-table, held at Nelson Mandela's initiative in December 2000. The mediator again requested the assistance of the French government in bringing the Burundian rebels to the negotiating table, admitting that he was himself incapable of doing so. The leaders of the Regional Initiative on Burundi also showed themselves incapable of putting enough pressure on the rebels to join the negotiations.<sup>6</sup> After having prompted a meeting between Laurent Kabila and Pierre Buyoya in Abuja on December 24, 2000, the French government mobilised its networks to convince Laurent Kabila to bring Jean-Bosco Ndayikengurukiye to Libreville at the start of January.<sup>7</sup>

Laurent Kabila in fact considered Jean-Bosco Ndayikengurukiye as responsible for the Pweto defeat, which increased the risk of exposing Lubumbashi to a Rwandan offensive.<sup>8</sup> At the end of August 2000, immediately before the signature of the peace accord and without the approval of Kinshasa, 800 to 1000 members of the FDD deserted the Congolese defences in Katanga to conduct an offensive against Burundi.<sup>9</sup> Laurent Kabila considered Jean-Bosco Ndayikengurukiye responsible for the departure of the FDD units, which had been incorporated into the FAC, weakening the Congolese defence lines, reducing their firepower and breaking the chain of command. To general surprise, the Libreville meeting was thus catastrophic for the rebel leader. He met his main enemy face-to-face for the first time, and Laurent Kabila, his mentor, attacked him openly.<sup>10</sup>

The Libreville meeting weakened the rebel leader with respect to the Burundian head of the state. While the rebel leader undoubtedly gained international stature and met face-to-face with Buyoya, as an equal and as the only spokesman for

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<sup>5</sup> For further details, cf. ICG 'Scramble for the Congo. Anatomy of an Ugly War', Central Africa Report No. 26, 20/12/00.

<sup>6</sup> ICG interview, member of the facilitation team, Nairobi, 28/03/01.

<sup>7</sup> AFP, 'Buyoya-FDD meeting: the peace process progresses thanks to Kabila', 10/01/01.

<sup>8</sup> ICG interview, member of the facilitation team, Nairobi, 28/03/01.

<sup>9</sup> Cf. *vide infra*.

<sup>10</sup> ICG interview, member of the facilitation team, Nairobi, 28/03/01.

the rebels<sup>11</sup>, the meeting also confirmed the precariousness of the rebel leader's position in Congo. Moreover, the surprise meeting led the FDD's staff officers to suspect their leader, Ndayinkengurukiye, of a secret arrangement with the other leader, Buyoya, both from the Bururi province, to the detriment of rebels from the country's other provinces.<sup>12</sup>

Ultimately, Pierre Buyoya was the one to profit from the Libreville meeting. The meeting only resulted in the formulation of a position of principle: opening a dialogue between the government and the FDD, under South-African mediation.<sup>13</sup> But, Pierre Buyoya presented himself, in a French-speaking environment, as a man of peace, where he was able to reaffirm his legitimacy as head of state, under the patronage of one of his peers. Pierre Buyoya also asserted himself as the only person authorised to negotiate a cease-fire with the rebels, in preparation for the battle for the transitional leadership. Jean-Bosco Ndayikengurukiye returned home weaker, even if he had achieved a new international stature.<sup>14</sup>

## **2. Libreville II, and afterwards?**

The death of Laurent Kabila and his replacement by his son, Joseph, has not necessarily re-established the position of Jean-Bosco Ndayikengurukiye as an influential commander of the FAC. Jean-Bosco Ndayikengurukiye arrived in Kinshasa on January 16, 2000, to accompany Laurent Kabila to the Yaoundé French-speaking nations summit, and left triumphally for Lubumbashi, a few days after the coup, strengthened by his friendly relations with the new head of state.<sup>15</sup> He was not, however, authorised to attend the funeral of Laurent Kabila, although he had returned to Kinshasa for that purpose. Since then, he is reported to not have the same direct

access to the new Congolese head of state, his former comrade-in-arms.<sup>16</sup>

The second Libreville meeting on 17 April 2001 yielded no greater results than the first. It was undoubtedly important that the meeting took place, enabling Joseph Kabila to express his commitment, like his father, to supporting the Burundi peace process. However, on that occasion, President Buyoya, strengthened by his success at Libreville I in January and probably irritated by the last-minute cancellation, by the FDD, of a similar meeting scheduled for March 26, formulated conditions for the discussions from the outset at Libreville II. The rebels considered those conditions unacceptable. The President indicated that he had come to Libreville as a representative of the nineteen political parties who were signatories to the accord and that, furthermore, all discussion with the FDD could only take place in that context and be restricted to the question of the cease-fire. That position of principle reduced Jean-Bosco Ndayikengurukiye to the status of a potential twentieth signatory to the peace accords who could only accept the terms of the Arusha accord for all questions other than that of the cease-fire.<sup>17</sup> However, the FDD wanted to reach a political and military agreement separate from the logic of the Arusha accord, whose validity they had rejected at Libreville.<sup>18</sup>

That position blocked the discussions from the outset and gave rise to sharp tension between the FDD and the South-African Vice President, Jacob Zuma, who was accused by the FDD of having become the government's partisan.<sup>19</sup> In fact, absent from the first meeting and having come to

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<sup>11</sup> Ibid.

<sup>12</sup> ICG interview, FDD sympathizer, Bujumbura, 08/02/01.

<sup>13</sup> AFP, 'Buyoya-FDD meeting: the peace process progresses thanks to Kabila', 10/01/01.

<sup>14</sup> Remark by a member of the political bureau of the FNL, Bujumbura, 10/01/01.

<sup>15</sup> ICG interview, member of the FDD, Bujumbura, 07/02/01.

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<sup>16</sup> ICG interview, member of the facilitation team, Nairobi, 28/03/01.

<sup>17</sup> Telephone interview, member of the facilitation team, 22/04/01.

<sup>18</sup> IRIN, Great Lakes update No. 1161, 20/04/01, and office of the Coordinator general and President of the political bureau, 'CNDD-FDD declaration on the Arusha peace accord, signed on August 28, 2000', 17/09/00.

<sup>19</sup> President Omar Bongo had to make use of all his authority and even threaten the rebels in order for Jean-Bosco Ndayikengurukiye to finally agree to meet Jacob Zuma on the night of April 17. The former had refused the meeting throughout the afternoon and evening. ICG interview, Western diplomat, Bujumbura, 24/04/01.

Libreville on March 26 for nothing, Vice President Zuma's status as an impartial mediator was severely jeopardised by the request that Nelson Mandela sent to the Secretary General of the United Nations at the end of February, calling for mobilisation of an international force to impose peace in Burundi, under chapter VII of the UN charter. That request meant that, by favouring international military intervention in place of negotiation, Mandela disqualified the rebels as credible parties to the negotiations. South-African, Ghanaian and Nigerian troops had already been considered for participation in the force.<sup>20</sup>

In addition, despite a 'clarification' meeting between Vice President Zuma and the leader of the FDD in Kinshasa on April 9, the relations between the South-African facilitator and the rebels remain difficult.<sup>21</sup> Jacob Zuma finally stated that the negotiations in Gabon could only deal with technical questions relating to the cease-fire. All other subjects, including the reform of the army, could only be addressed in the Arusha framework.<sup>22</sup> Pierre Buyoya was thus perfectly in line with the framework indicated by the facilitator, while being slightly provocative. The positioning in Libreville also enabled Pierre Buyoya to give assurances to the Regional Initiative on Burundi concerning his fidelity to the Arusha process, and once again strengthened his position as a candidate for the transitional leadership, while maintaining his reputation as a moderate man of peace, confronted with intransigent rebels on one side, and narrow-minded extremists on the other. Such a positioning could only receive the approval of Kigali,<sup>23</sup> which was consulted on the subject during a surprise trip by President Buyoya at Easter.

Ultimately, the second Libreville meeting produced little tangible result. Interrupted by the attempted putsch in Bujumbura, the summit resulted in an oral mutual-understanding to pursue further consultations on the points that were to be

listed in the minutes. Following Pierre Buyoya's abrupt return to his capital, the FDD's spokesman communicated his satisfaction with the events and praised Libreville II as 'a step forward towards peace and democracy'.<sup>24</sup> While denouncing the manipulation by the head of the state of Burundi, the FDD also confirmed their availability for future consultations and requested the official recognition of President Bongo's co-mediation, in addition to that of Vice President Zuma, by the international community. However, that public satisfaction does not necessarily mean very much for the peace process. The FDD in fact maintain that a cease-fire can only result from the culmination of the negotiations on the reform of the army, and thus military operations will continue in Burundi in the meantime. But violence also serves another purpose for the FDD. It is an effective way of offsetting the shortcomings of mercenary forces.

### **3. Compensating for the shortcomings of being a mercenary force**

In addition to his uncertain relations with the government of Kinshasa, the leader of the FDD has had to confront a strong internal challenge since the middle of the year 2000. The Libreville meetings strengthened that challenge. After the battles of Pepa and Pweto, the rout of the FAC and their allies, followed by the fallback to Lubumbashi and Zambia, strongly destabilised the rear bases of the Hutu rebellions in Burundi and Rwanda. The defeat also greatly weakened the troops' morale. Not only did the loss of Pweto destroy the myth of the Zimbabwean shield, but it also showed numerous fighters the danger and futility of their enlistment in the FAC.<sup>25</sup> In consequence, desertions from the CNDD-FDD units have steadily increased since Fall 2000.<sup>26</sup>

Several reasons explain the criticism of Jean-Bosco Ndayikengurukiye's authority from his own ranks. First, an increasing number of fighters have called attention to the personal enrichment of both Ndayikengurukiye and of those close to him, while

<sup>20</sup> ICG interview, Secretariat General of the United Nations, New York, 25/02/01, and IRIN Great Lakes update, No. 1127, 03/03/01.

<sup>21</sup> IRIN Great Lakes update No. 1153, 10/04/01, and ICG telephone interview, member of the facilitation team, 22/04/01.

<sup>22</sup> Ibid.

<sup>23</sup> ICG interview, representative of the government of Burundi, Bujumbura, 24/04/01.

<sup>24</sup> Jérôme Ndiho, spokesman of the CNDD-FDD, 'Libreville II is a step forward towards peace and democracy', press release No. 189, 20/04/01.

<sup>25</sup> ICG interview, member of the facilitation team, Nairobi, 28/03/01.

<sup>26</sup> ICG interview, liaison officer with the rebels, Dar-es-Salaam, 15/10/00, and Bujumbura, 19/02/01.

the fighters themselves do not even receive enough from the Congo to improve the everyday lives of their families in the hills. The Congolese war is not their war. And yet, they are assuming all the difficulties. The situation had gone on too long.<sup>27</sup>

Secondly, certain 'veteran' members of the FDD – well-trained and equipped soldiers having followed their leader in 1998 and acting as instructors for the FAC – accuse Jean-Bosco Ndayikengurukiye of betraying them. In July 2000, Ndayikengurukiye ordered his young fighters and new recruits to infiltrate the Burundian armed forces, with a view to the reform of those armed forces, rather than moving to the Congo.<sup>28</sup> The 'veterans', who, incidentally, only irregularly receive their monthly pay of USD 120, are thus mainly concerned about being overlooked by the reform of the army. Old and worn after years of fighting, they accuse Ndayikengurukiye of wanting to preposition young fighters faithful to his authority in the Burundian armed forces. Those fighters will fill the quota of 50 percent Hutus, indicated in the Arusha accord for the reform of the armed forces.<sup>29</sup>

Thirdly, the reorganisation of certain FDD units, conducted by Laurent Kabila, was considered unacceptable by some fighters. As of Spring 2000, the Congolese leader wished to strengthen his control over the FDD units and transformed many of them into 'mixed' units, consisting of Burundian, Rwandan, and even Congolese troops.<sup>30</sup> The reorganisation had two objectives: strengthening the capabilities of the FDD units, particularly with regard to the handling of heavy weapons, for which the ex-FAR were better trained; and duplicating the Burundian command structure in order to ensure its fidelity. The reorganisation led to two FDD divisions leaving for Burundi with weapons and baggage, at the end of August 2000, without the approval of Ndayikengurukiye or Laurent Kabila.<sup>31</sup>

Jean-Bosco Ndayikengurukiye is also criticised by his officers and non-commissioned officers. In particular, he is accused of having eliminated at least five officers who were either not from his province, Bururi, or who had graduated from the prestigious Burundi military academy, ISCAM, where he himself did not complete his studies.<sup>32</sup> His face-to-face meeting with Pierre Buyoya further strengthened the suspicion that he would promote a regional agreement, at the expense of the collective interests of the rebels.<sup>33</sup>

Given those challenges, the war option for the CNDD-FDD has the advantage of remobilising the troops and winning back a little independence from the Congolese authorities. In addition, Joseph Kabila appears to want the FDD to leave Congolese territory. The international community is subjecting him to pressure for concrete results with regard to the 'armed groups' identified by the Lusaka accord, and, at the time of disengagement and deployment of MONUC observers, the presence of large FDD forces on Congolese territory is becoming politically inconvenient. The Congolese President is thus reported to have given substantial logistic support to the Burundian rebels, in order for them to return to their 1996 positions on their own national territory.<sup>34</sup> Over the last few weeks, considerable movements of the FDD toward Burundi have been confirmed. The FDD troops are leaving Congolese territory and returning to Burundi via Tabora in Tanzania, or directly across Lake Kivu. Between 3000 and 4000 FDD are reported to have returned and attempted to reoccupy their positions prior to 1996, namely the Kibira forest, Gicubi and the Bubanza and Cibitoke mountains.<sup>35</sup> The retaking of those Northern positions, lost after the intensive resumption of fighting in 1996 following Major Buyoya's putsch and the organisation of grouping camps by the army, will further increase the security pressure on the Burundian armed forces and weaken the government in the context of the negotiations.

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<sup>27</sup> ICG interview, liaison officer with the rebels, Dar-es-Salaam, 14/10/00.

<sup>28</sup> ICG interview, member of the facilitation team, Nairobi, 28/03/01.

<sup>29</sup> Ibid.

<sup>30</sup> ICG telephone interview, member of the facilitation team, 22/04/01.

<sup>31</sup> ICG interview, member of the facilitation team, Nairobi, 28/03/01, and liaison officer with the rebels, Bujumbura, 24/04/01.

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<sup>32</sup> ICG interview, liaison officer with the rebels, Dar-es-Salaam, 14/10/00.

<sup>33</sup> Ibid.

<sup>34</sup> ICG interview, Burundian political observer in regular contact with the rebels, Bujumbura, 26/04/01.

<sup>35</sup> ICG interview, Western diplomats, liaison officer with the rebels, Burundian political observers, Bujumbura, 22-26/04/01, and IRIN, Great Lakes update No. 1155, 12/04/01.

By repositioning in Burundi, the FDD leaders escape the authority of the Congolese officers and put an end to the accusation of their being mercenaries. It is not certain, however, that, given the dissensions in the FDD and its lack of independence relative to Joseph Kabila, Jean-Bosco Ndayikengurukiye will totally control the movement of all his troops. Some units, in particular those present in the centre and south of the country, are considered to be recalcitrant to his authority and to refuse to obey his orders. That uncertainty, like the indefinite military build-up before any negotiation, are threats to the peace process. The facilitation team should respond to those threats by offering fighters wishing to lay down their arms an incitement as of now, and by requiring that the FDD leaders declare a truce in order for their effective control of the terrain, their representativeness and their authority to be checked.<sup>36</sup>

## **C. AGATHON RWASA IN POWER, UNCERTAIN CHANGE IN THE FNL**

### **1. The origin of the overthrow of Cossan Kabura**

The Libreville I meeting between Buyoya and Ndayikengurukiye also had consequences for the FNL. The meeting, which conferred on Ndayikengurukiye the status of exclusive partner in the negotiations and sole representative of the rebels, was highly prejudicial to the image of Cossan Kabura, the head of the FNL, who remained absent and silent, giving rise to considerable concern in his movement.<sup>37</sup> His chief of military operations for the Western zone, Agathon Rwaswa, fearing that leaders not from Bururi would be sidelined, then decided to take Cossan's place. Since the breakaway from PALIPEHUTU-Karatasi<sup>38</sup> and the start of the peace negotiations, doubts had always subsisted as to the real authority of Cossan Kabura. Silent, or even absent from the debates, up to the signature of the Arusha accord, Cossan Kabura was suspected

to be mainly concerned with his business dealings in Tanzania and Congo.<sup>39</sup>

Moreover, Agathon Rwaswa had managed to establish his own weapon and ammunition supply lines with the FDD, and Nelson Mandela had publicly expressed doubts as to Cossan Kabura's credibility as leader of the FNL.<sup>40</sup> The latter's position had become very weak. His replacement at the head of the FNL, which occurred at the end of February, is in fact the conclusion of an endless regional conflict with respect to the leadership of the rebel movement. Cossan Kabura, from Bururi, was in fact accused of secretly negotiating with Bujumbura. Delegations consisting of FRODEBU-Nzozibwami wing parliamentarians went to Dar-es-Salaam on three occasions to meet with Kabura (October 2000, November 2000, February 2001), and, for the last meeting, came bearing a gift of over BUF 100 million (about one million US dollars).<sup>41</sup> Cossan Kabura had thus become suspect in the FNL because of his alleged complicity with the regime, as evidenced, in particular, by his refusal to denounce the January Libreville meeting between the 'Bururi' leaders, Buyoya and Ndayikengurukiye, while the latter was posing as the only representative of the rebels, but with no mandate from the other currents in the movement.<sup>42</sup>

### **2. Interpreting the attack on Kinama**

After Cossan Kabura's demise, Agathon Rwaswa and his men launched an attack on the Kinama zone, on the northern periphery of the town of Bujumbura, and occupied it for two weeks before being forced to withdraw by the Burundian army. The surprise attack on Kinama, in which probably over sixty of the army's soldiers were killed,

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<sup>36</sup> Cf. ICG, 'The Mandela Effect', *op. cit.*

<sup>37</sup> ICG interview, member of the political bureau of the FNL, Bujumbura, 10/01/00.

<sup>38</sup> Etienne Karatasi, President of a wing of Palipehutu.

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<sup>39</sup> The press release announcing Cossan Kabura's destitution is significant in this respect. The press release criticized Kabura for the fact that no movement leadership meeting had been held in nine years, and also accused him of cupidity, illicit enrichment, nepotism, incompetence, betrayal of the forces in the field and occultism! Cf. Press release 006/PLPHT-FNL/01, 26/02/01.

<sup>40</sup> ICG interview, member of the facilitation team, Nairobi, 28/03/01.

<sup>41</sup> ICG interview, member of the partnership institutions, Bujumbura, 25/04/01.

<sup>42</sup> ICG interview, FNL contact, Bujumbura, March 1, 2001.

greatly damaged the Burundian army's confidence in itself and strengthened the position of Agathon Rwasa.<sup>43</sup> The attack was, in fact, designed to weaken the credibility of Pierre Buyoya as guarantor of the capital's security and illustrate the political and military strength of the FNL, excluded from the Libreville process, and which now must be taken into account. The attack enabled Agathon Rwasa to check on the fidelity of his troops and earn a victor's reputation among the Hutu population. The FNL, while suffering heavy losses, 100 to 200 men, are reported to have been able to recruit over 1000 men during the occupation of the traditionally-Hutu quarter of Bujumbura, both former FDD and FNL members and new recruits. Despite Cossan Kabura's criticisms and announcement of the exclusion of his rival from the movement in the course of the extraordinary meeting of the political bureau in Dar-es-Salaam,<sup>44</sup> Agathon Rwasa has thus imposed himself as the other essential partner in any cease-fire negotiation, irrespective of whether it is held in Libreville or in South Africa.

Does the attack on Kinama and Agathon Rwasa's arrival at the head of the movement constitute a new tactical departure for the FNL? Foreign and national Burundian political observers agree that, since Kinama, the rebel movement is taking less and less civilian lives.<sup>45</sup> In addition, their commitment to evacuating civilians and preventing pillaging by restricting access to abandoned houses, and their show of strength against the Burundian armed forces, have greatly contributed to making the FNL a more credible political force. In any case, it reflects a desire to change their image of 'genocidal attackers'.<sup>46</sup> Agathon Rwasa is also considered to have a more political view of the conflict than Cossan Kabura, and thus to want to spare civilians, with a view to transforming the movement into a non-armed political force, once

the negotiations have been concluded.<sup>47</sup> In addition, the visit to South Africa of representatives of the FNL's new leadership and their meeting with Vice President Zuma have been welcomed as a constructive development by the South African facilitators, even though the rebels only restated the conditions that they want fulfilled by the government prior to their real entry into the peace process.<sup>48</sup>

Explaining the obvious change in attitude of Agathon Rwasa's FNL is difficult. The same troops have implemented terrorist operations, such as shooting up a Sabena airliner landing at Bujumbura, a bloody attack on the bus, Titanic, connecting Kigali to the capital of Burundi in December 2000, and numerous other massacres of civilians over the last few years, when they were, in fact, under the order of the same Agathon Rwasa.<sup>49</sup> It is probable that purely economic, and, hence, temporary, reasons explain the recent decrease in the number of the FNL's victims. The movement's association with the FDD has enabled it to considerably increase its stock of arms and ammunitions, obtain uniforms, and even procure financial support. This would explain why the fighters now spare civilians much more. They have much less need to steal and pillage in order to eat and now obtain the resources necessary for their

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<sup>43</sup> ICG interview, Burundian political observers and Western diplomats, Bujumbura, 22-26/04/01.

<sup>44</sup> Fondation Hironde, 'Cossan Kabura states that he is still the commander PALIPEHUTU-FNL', 04/03/01.

<sup>45</sup> Cf. RFI Bulletin, 24/04/01, and ICG interviews, Western diplomats and Burundian political observers, 22-27/04/01.

<sup>46</sup> ICG telephone interview, member of the FNL, March 18, 2001, and ICG interview, Burundian political observer in contact with the rebels, Bujumbura, 26/04/01.

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<sup>47</sup> ICG interview, Western diplomat, Bujumbura, 25/04/01.

<sup>48</sup> The preconditions, reconfirmed by the new spokesman of the FNL on Radio Bonesha during the Kinama attack, are as follows: 1) dismantlement of all the concentration camps holding Hutus or Tutsis; 2) return of the government soldiers to their barracks; 3) official recognition of the FNL in order for them to work in the open, like all the other political parties; 4) dismantlement of all the government's militias; 5) an end to summary judgments by criminal courts; 6) unconditional release of all political prisoners. Cf. SAPA Bulletin, 29/03/01, PANA Bulletin, 30/03/01, and Radio Bonesha, Interview of Anicet Ntawuhinaganyo, FNL spokesman, Bujumbura, 06/03/01.

<sup>49</sup> Some foreign sources have indicated that the FNL political cadres underwent technical guerilla training with Chinese or North-Korean instructors in Congo, under the sponsorship of Laurent-Désiré Kabila, during the year 2000, but the movement's spokesman categorically denies the information, which has not been confirmed by any other source in Bujumbura. ICG interviews, Bujumbura, 21-27/04/01.

supplies in neighbouring Congo.<sup>50</sup> Kinama is therefore much more a symbol of the tactical alliance between the FNL and FDD – and the arrival, at the head of the movement, of Agathon Rwasa, the incarnation of that alliance – than a real change in political vision. Moreover, the FNL would have had much more difficulty holding the quarter of Bujumbura for two weeks if the FDD had not simultaneously attacked the Burundian army's position in five provinces.<sup>51</sup> In consequence, a large number of the Burundian units deployed in Congo had to return urgently to Burundi.

### 3. The alliance of the ex-FAR and FDD: a poorly-calculated risk

The presence of armed members of the Rwandan Hutu opposition in Burundi and the association of the PALIPEHUTU rebels with the FAR have long been established. Most of the rebels are former refugees, who began living in Rwanda under Juvénal Habyarimana and are reputed to speak kirundi with a Rwandan accent and sing songs in kinyarwanda during their attacks. Certain PALIPEHUTU militants are reported to have even actively supported the FAR in its war against FPR from 1990, taking part in the genocide in 1994 and contributing to sowing terror through the Hutu refugee camps in the Congo in 1994-1995. Gaston Karekezi, a former FAR captain, is reported to have been operating in Burundi for three years.<sup>52</sup> In addition to former Burundian PALIPEHUTU militants having lived much of their lives in Rwanda, the FNL also include a certain number of Rwandan members in their units.

However, the relationship between the ex-FAR and Burundian FNL remains characterised by strategic and leadership quarrels. In February 2000, the FNL underwent a deadly internal purge. Agathon Rwasa and his men are considered to have eliminated over one hundred ex-FAR members incorporated into the FNL, who refused the former's authority and were suspected of wanting to discontinue the

struggle.<sup>53</sup> Again, one week before the Kinama operation, Agathon's troops are reported to have confronted the ex-FAR, allied to Cossan Kabura, and to have killed 12 to 18 of their officers.<sup>54</sup> The physical elimination or serious wounding of the Burundian leader was announced by many.<sup>55</sup>

The association of the FNL with the ex-FAR nonetheless casts doubt on the nature of the movement, its structure and its intentions. After both the purge in February 2000 and the recent combats, the ex-FAR and Interahamwe under the orders of Agathon Rwasa are no longer very numerous. It is probable that many of them still work with Nestor Nizigama, Cossan Kabura's chief of staff, and are still incorporated into one or another of the FNL movement's units. Through their association with the Rwandan forces, the Burundian rebels give preference to an ethnic interpretation of the struggle, which is not only likely to make them lose the little international legitimacy that they have, but also to permanently ruin the scope for dialogue and negotiation with a view to re-incorporation in the Burundian army. The split of the FNL from the ex-FAR and Interahamwe is now unavoidable if the FNL wish to be fully accepted in the Burundi peace process, but there is no sign, at the current time, that they are ready to make that move.

The alliance with the FDD does not provide any additional assurances that a cease-fire will be rapidly obtained. The alliance, however, has several advantages for the FNL. In addition to strengthening the co-ordination of military operations and constituting a united rebel front to weaken the Burundian army in the field, the alliance enables the rebels to move beyond the problems posed by regionalism. Jean-Bosco Ndayikengurukiye has thus begun to move closer to Agathon Rwasa, who is from Ngozi (in the North), in order to overcome the regional cleavages which undermine his movement, and

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<sup>50</sup> ICG interview, liaison officer with the rebels and Burundian political observer in contact with the rebels, Bujumbura, 26/04/01.

<sup>51</sup> AFP, 'The army and rebels are fighting in five provinces', 07/03/01.

<sup>52</sup> ICG interview, member of the military intelligence departments, Bujumbura, 02/03/01.

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<sup>53</sup> Cf. ICG, 'The Mandela Effect', *op. cit.*. Human Rights Watch, 'Brutal Burundian war draws in Rwandan combatants', Press release, 23/03/00, and Human Rights Watch, 'Neglecting Justice in Making Peace', Burundi Report, 23/03/00.

<sup>54</sup> ICG interview, member of the facilitation team, Nairobi, 28/03/01.

<sup>55</sup> ICG interviews, liaison officer with the rebels, Bujumbura, 19/02/01, and Western diplomats, Arusha, 26/02/01.



counter the suspicion of a secret agreement with the other belligerents from Bururi. Jean-Bosco Ndayikengurukiye is even reported to have requested the replacement of Cossan Kabura (also from Bururi) at the head of the Palipehutu-FNL before accepting a potential alliance between the two groups, as was wished and encouraged by the Hutu political circles in the interior and in the Diaspora.<sup>56</sup> In return, Jean-Bosco Ndayikengurukiye is reported to have given assurances that his officers would continue to be drawn from several regions, in particular, by replacing his head of southern operations, Prime Ngendakumana, from Muramvya province, recently wounded in Makamba, by commander Evariste, another fighter from Muramvya.

The contacts between the political branches and heads of staff of Jean-Bosco Ndayikengurukiye's FDD and Agathon Rwasa's FNL are now regular. In addition to a meeting between the political leaders of the movements in Mayotte, at the end of March, Agathon Rwasa also went to Lubumbashi during the same period for an FDD congress in order to consecrate the alliance between the two rebel movements. The FDD supply the FNL with uniforms, ammunitions and arms (via Lake Kivu), provide active support (if required), and exchange intelligence on the positions and movements of the Burundian army.<sup>57</sup> In that context, in addition to the even greater risk (for the FNL) of fragmentation and lack of representativeness of the leadership involved in the peace talks, the tactic of strengthening positions before any negotiation is also fully operative and the prospects for a cease-fire remain very remote

The Burundian government is no stranger to the same game, since it has also considerably increased its stocks of heavy weapons, in the expectation of imminent and joint attacks, comparable to that on Kinama, by the FNL and FDD. Heavy weapons, such as 'Stalin's organs', are the only guarantee that the Burundian government can prevent the rebels permanently occupying part of the country's territory. The army has thus procured additional artillery since the attack on Kinama, so as not to have to move the artillery

around during the fighting and in order to be able to respond to any eventuality, concomitantly, throughout the country.<sup>58</sup>

In addition, time is not on the side of the rebels. The explicit statement in Security Council resolution No. 1341, in February 2001 on the issue of disarming the armed groups and Joseph Kabila's subsequent commitment to a resolution of the issue, are not in favour of the FDD, which runs the risk, in the intermediate to long term, of being considered 'negative forces' to be subjected to a neutralisation and disarmament plan in the DRC. The Burundian government has thus every interest in procrastinating, resisting militarily, and awaiting the time when the rebellion will have lost its political credit and military power (something which the rebels will probably have much more difficulty maintaining without the active support of Kinshasa). Ultimately, such a scenario would be prejudicial to the negotiations, since it would be likely to induce a gradual breakdown of the rebellion (i.e. reduced militarily but still difficult to pin down), together with maintenance of continuous violence and insecurity in the hills of rural Bujumbura.

Lastly, the rebel strategy, for both the FDD and for the FNL, is undoubtedly a zero-sum game in which everybody loses: the rebels and the people of Burundi. The Burundian rebels must become aware that it is high time for them to give concrete signs of their desire to rejoin the peace process. If they do not do so, they may lose the opportunity for equitable negotiation. It is therefore urgent for the facilitators to change their strategy with the rebels by requiring a truce as a demonstration of their representativeness and support for the peace process, while offering a context for the reception, recording and support of combatants who wish to lay down their arms. The rebels who want to join the peace process must be able to do so. In the absence of a concrete undertaking of that type by the FNL and FDD, their status as 'negative forces', a label comparable to that given by the Lusaka accord, is inevitable. Conversely, the government must also give pledges of its good faith and commitment to negotiating reform of the security forces, by proposing right away a plan to reduce and reorganise the armed forces. The soldiers of

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<sup>56</sup> ICG interview, member of the mediation team, Nairobi, 28/03/01.

<sup>57</sup> ICG interview, Burundian political observer in contact with the rebels, Bujumbura, 27/04/01.

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<sup>58</sup> ICG interview, Burundian political observer, close to the army, Bujumbura, 27/04/01.

the army of Burundi must be able to understand that the reform does not mean they are being thrown out into the street, but instead, given a real chance of beginning a second life that will be much more satisfactory than the first. The humanitarian catastrophe in Burundi is too immense for the rebellion and the government to enter into an interminable cycle of fighting and negotiating.

#### **D. THE HUMANITARIAN CATASTROPHE**

The social and human cost of the civil war in Burundi is dramatic. In a little less than ten years of insurrection, all the indicators of the human development of Burundi's population have regressed, in some cases taking the country back twenty years. Life expectancy at birth, which was 44 years in 1970, had increased by almost ten years in 1992, but subsequently dropped to 42 years in 1997. In ten years, the infant mortality rate has risen to its 1970 level. There are now almost 136 deaths per thousand births. Primary school was attended by 52 percent of children of the appropriate age in 1992. Attendance fell to 37 percent in 1998/1999. The *per capita* GNP, which was USD 240 in 1980, had fallen, almost by half, to USD 134 in 1997. In 1998, 60 percent of the rural population and 67 percent of the urban population was living below the poverty level, compared to 25 and 33 percent, respectively, in 1992.<sup>59</sup>

In February 2001, a total of 390,000 people from Burundi were registered as refugees by the UNHCR, of whom 370,000 were in Tanzania alone. During the same period, over 380,000 Burundians were displaced inside the country in 210 reported sites. Over 120,000 displaced persons, initially living in the camps, have not returned to those sites or their homes since July 2000, making the total number of displaced people about 500,000.<sup>60</sup>

This situation was already catastrophic. Intensification of the fighting in the first quarter of 2001 gave rise to the emergence of a hitherto

unprecedented humanitarian crisis. Due to the breakdown of the agricultural distribution networks, the absence of stocks due to two successive droughts since 1998, and the general fall in production related to population displacement and weakness, a famine occurred in the north-eastern provinces of the country, inducing the migration of 85,000 children to the nutrition centres. In parallel, since the end of October 2000, population migrations have induced the progression of a malaria epidemic from the low lands towards the high lands, resulting in contamination of previously spared communities, who are devoid of immune defences. The Office for the Co-ordination of Humanitarian Affairs of the United Nations (OCHA) estimates that over three million people in Burundi, i.e. half of the country's population, now suffer from malaria.

Lastly, each new offensive brings supplementary victims. The rebels' attack on Kinama in February and March 2001 resulted in displacement of over 54,000 people, forced to leave their homes in the most abject poverty. Only three-quarters of those displaced had returned to Kinama in early April. 5,500 families refused to return, fearing for their lives, while over 350 houses were destroyed, damaged or pillaged.

In response to the multiple crises, the Burundian Ministry of Human Rights signed a framework agreement with OCHA on February 7. The agreement is intended to facilitate the relations between the government and the humanitarian community, with regard to access to displaced persons and the provision of the necessary aid. In parallel, OCHA has resolved to attempt to reopen discussions with the rebels, as it did at the end of 1999, under the mediation of the Centre Henri Dunant, with the aim of facilitating access to displaced persons and eliciting compliance with international humanitarian law.<sup>61</sup>

However, given the escalation of violence and the total disillusionment of a population at the mercy of the belligerents, it is to be feared that such efforts will not be sufficient to restore hope or counter the facile tribal discourse. An increasingly impoverished, weakened and deprived population is the ideal breeding-ground for ethnic chauvinism,

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<sup>59</sup> UNOCHA, 'Background note on Burundi for the executive Committee on humanitarian affairs', mimeograph, Nairobi, 04/04/01.

<sup>60</sup> Ibid.

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<sup>61</sup> ICG interview, UNOCHA official, Nairobi, 11/04/01.

in the absence of dividends from the peace process. An urgent change in the framework of the negotiation is necessary, so that the negotiations may be completed and in order for transition to become possible.

## **II. AN IMPOSSIBLE TRANSITION IN THE CURRENT SITUATION**

Following the attack on Kinama, Pierre Buyoya and the Burundian armed forces decided to counterattack politically and harden their positions with respect to application of the Arusha accord. A cease-fire thus became an absolute imperative, in order to begin setting up the transitional institutions.<sup>62</sup> Conscious of the need to make the spirit of peace live, the government did not, however, block the application of all the protocols. According to the government, in the absence of a cease-fire, implementation of Protocol II (on the transitional institutions) is impossible and would even require renegotiating between the signatories.<sup>63</sup> But other results of the peace accord, derived, in particular, from protocols I and IV, are applicable. The council of ministers thus decided, at the end April, to prepare the bills for the creation of a national commission to study the conditions for the return of refugees and displaced persons.<sup>64</sup> At the end of March, the Accord implementation and monitoring committee was also briefed in order for an internal technical committee, responsible for studying the political prisoner issue, to be set up. Again as a sign of change, a governmental institution for the defence and protection of human rights, whose creation was decided the previous year, was also launched at the end of April.<sup>65</sup>

Given that double language, the G6 parties (coalition of 6 parties defending the Tutsis' interests as a priority) and the G7 parties (coalition of seven parties defending the Hutus' interests) were quick to denounce manipulation of the

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<sup>62</sup> I would like to say here, forcefully, that the government, given the situation developing in the field, will require of the signatories, mediator and region that the set-up of the institutions be real at the time that a cease-fire takes place. Neither the facilitator, nor the region can require a change in institutions before the cessation of hostilities', specified President Buyoya during a press conference on 05/03/01.

<sup>63</sup> Cf. the first Vice President's responses to a parliamentary question session, PANA Bulletin, 28/04/01, and AFP, 'The government asks the signatories to review the peace accord', 28/04/01.

<sup>64</sup> Azania Bulletin, 26/04/01.

<sup>65</sup> Iteka Bulletin, 26/04/01.

security pretext, enabling Buyoya to hold on to power, although the majority of the Arusha accord signatories had rejected his candidature. The parties confirmed their support for Colonel Bayaganakandi as an alternative representative of the Tutsis' interests. Given that apparently irreconcilable opposition, which was to trigger the end of direct negotiations between UPRONA and FRODEBU on the conditions for set-up of the transitional institutions at the end of January, the South-African facilitators were incapable of deciding or negotiating a veritable alternative solution. They therefore made use of an easy solution, namely separating the transition period into two sub-periods, which in no way changes the basic problem. While the Implementation and Monitoring Committee, which has next to nothing to implement or monitor, has already been shown to be expensive and ineffective, the attempted coup on April 18 highlighted the risk of the peace process totally collapsing if a rapid means of breaking the deadlock is not found.

## **A. THE ATTEMPTED PUTSCH ON APRIL 18, AN ALARM SIGNAL**

### **1. Putsch or farce?<sup>66</sup>**

At about 2 p.m. on Wednesday, April 18, 2001, Lieutenant Pasteur-Gaston Ntakirutimana left his post with his unit of some forty soldiers to march to highway RN9, where three civilian trucks were awaiting him. A single truck was sufficient to transport the small group of soldiers from the Gakumbu barracks, for the protection of the airport, to the buildings of the Burundian national radio and television station (RTNB), in the centre of the capital. When the truck arrived in front of the main entrance of the RTNB, at about 3.30 p.m., two bursts fired into the air were sufficient to scare the guards. The unit of red berets, usually heavily armed and equipped with an armoured personnel carrier, who were supposed to protect the RTNB,

did not react. Lieutenant Ntakirutimana's unit thus entered the RTNB building without difficulty and took over broadcasting. The following message was broadcasted every twenty minutes:

'Men and women of Burundi,

You are all aware of the harm that the rebellion has done to the people of Burundi. The bands of killers massacre children, the elderly and women. You also know that those who support the genocide are in the government, in the national assembly and in other institutions of the country. Can you imagine that those people are more interested in their jobs in Arusha than in the people, who they leave to suffer hunger and misery?

You know that the government is doing nothing to restart the economy of this country in distress.

Considering the murderous achievements of this government,

Considering the meetings with the rebels behind the back of Burundian patriots, the following measures have been taken in the people's interest.

Article one: Pierre Buyoya and his government are hereby relieved of their responsibilities.

Article two: the national assembly, consisting mainly of the perpetrators of genocide and others appointed by Buyoya, is hereby suspended.

Article three: all the frontiers are hereby closed.

Article four: it is forbidden to go out from 8 p.m. in the evening to 5 a.m. in the morning.

Article five: the FJP national council (Patriotic Youth Front), directed by Lieutenant Ntakirutimana, is hereby created.

Article six: all assemblies are hereby prohibited.

All of the above provisions have been taken in the interest of the people of Burundi and the foreigners living in our country. We ask everyone to support us. The people of Burundi are authorised to demonstrate to support our salutary action in a calm manner.

The security forces are requested to make the greatest efforts everywhere they are, so that the enemy does not escape. We ask the same of all the people of Burundi. We do not refuse the Arusha peace talks, but we reject our representatives. The FJP will inform you of our valid representatives in the near future.

THANK YOU.'

In the minutes that followed the broadcasting of the message, the loyalist security services were warned of the attempted coup. While awaiting the army, the gendarmes assumed positions, at about 4.30 p.m., to control the access to the RTNB.

<sup>66</sup> Cf. AFP, 'Confused situation in Bujumbura after an attempted coup', 18/04/01; AFP, 'The army put down an attempted putsch in Burundi without violence', 19/04/01; AFP, 'All the mutineers surrendered after the putsch attempt', 19/04/01; Iteka Bulletin, 'Failed coup in Burundi', 19/04/01; Iteka Bulletin, 25/04/01; ICG interviews, members of the security forces and Burundian political observers, Bujumbura, 22-27/04/01.

Lieutenant Ntakarutimana was nonetheless able to withdraw from the building, armed and accompanied by two bodyguards. He went to the café, 'Chez La Reine', and took a civilian van to drive to the Higher Institute of Military Cadre (ISCAM). He entered the premises of ISCAM without difficulty and left with four officer cadets – his accomplices – whom he brought back to the RTNB to help control the building. The RTNB's transmitter was disconnected at about 6.15 p.m. Towards 6.30 p.m., the 12<sup>th</sup> parachute regiment surrounded the RTNB, on the orders of the Minister of National Defence, Colonel Cyrille Nkurukiye. The town remained calm. No panic was observed in the population. The parachutists shut down the official buildings and told the civil servants to go home. In town, nothing was moving. The loyalist units occupied the strategic points of the capital, one after the other, and told the public institution employees to go home. Celebrations were already beginning in the Tutsi quarters of Bujumbura, while the fear of reprisals and repression led a number of Hutu dignitaries to flee towards the Congolese frontier.

Inside the RTNB, Lieutenant Ntakarutimana called his accomplices to find out how the situation was progressing in their areas. At the same time, informed of the attempted putsch, over 200 ISCAM officers attempted to rejoin the RTNB, but were stopped by the parachutists and retreated to a neighbouring wood. They were brought back to their camp around 4.00 a.m., after negotiations with their line of command. As of 7.00 p.m., the Minister of Defence assured himself that the situation was fully under control and broadcast an appeal for calm on an independent radio station. He began negotiating the surrender of the mutineers, who gradually began leaving the RTNB buildings. Around 20 minutes past midnight, all the mutineers had surrendered and Lieutenant Ntakarutimana had been detained. The putsch had failed. Pierre Buyoya, who had left to meet with the FDD at Libreville, returned to Bujumbura the next morning. A commission of inquiry was set up by the District Attorney, on April 20, to investigate the affair. In the following days, two presumed accomplices of the putschists, Ildephonse Ndagijimana, a trade-union activist with ONATEL, and Raphaël Manirakiza, PARENA supporters, were arrested. The first was to have cut the telephone lines on the day of the putsch, but did not succeed. The second, a friend of the mutinous lieutenant, had already been sought by

the security services in 1997, during the 'war of the mines' in Bujumbura. Colonel Buhungu, a former governor of Ngozi and faithful supporter of Jean-Baptiste Bagaza, at whose home the meetings to prepare the putsch were held, is reported to be on the run. On April 25, in addition to the 52 mutineers, 72 soldiers, who were supposed to guard the RTNB, and nine other ISCAM officer cadets were arrested. Three days earlier, PARENA's spokesman announced that 'we morally support Lieutenant Pasteur Ntakarutimana because he is defending our ideas', and PARENA 'morally supports the person who can overthrow Major Buyoya'.<sup>67</sup> The other political parties simply expressed their surprise with regard to the lack of preparation and rigour of the mutineers, most suggesting that Pierre Buyoya was probably responsible for a sham attempted coup against himself.

## **2. Interpretations and consequences**

It is impossible to assign the responsibility for the attempted putsch with any certainty. The putsch, which has many of the aspects of farce, suggests obvious complicities, both at military staff level and among PARENA sympathisers, but it is difficult to say whether those complicities were real, whether they were intended to test the reaction of certain sectors of the army, or whether the mutineers were in fact manipulated by one or another of the power centres in the country, including the president's office. The ease with which the mutineers entered the RTNB, entered and left the ISCAM, and how they went about their business with no immediate reaction from the military authorities of the capital, is, to say the least, surprising. It shows either a degree of laxity in the security forces, which is unlikely just six weeks after the Kinama attack, or complicity with persons who were not brave enough to fully carry out their operation, or a large-scale attempt at manipulation, carefully organised so as to minimise the scope for slip-ups. The prudence of Pierre Buyoya's reaction, despite the seriousness of the facts, is also to be noted. The set-up of a commission of inquiry, given twenty days to formulate its conclusions, is a provision that would appear to be, at the least, a very slow and litigious

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<sup>67</sup> AFP, 'PARENA 'morally' supports the author of the attempted putsch on April 18', 22/04/01.

manner of shedding light on an attempted putsch intended to depose the President.

However, none of the foregoing provides sufficient evidence in support of the hypothesis of a major presidential manipulation intended to strengthen the sympathy of the region, the facilitators or the international community with regard to Pierre Buyoya, or the existence of a true plot fomented by 'Tutsi extremists', PARENA sympathisers. The declaration of support for the putschists, after the event, by Jean-Baptiste Bagaza, in itself, means nothing, but a reconfirmation of the president of PARENA's distrust with respect to the Arusha process. Following the arrest of his supporters, it would have been inexpedient for the former President to withhold his moral support and to not attempt to embrace the spirit of the Tutsi cause, a bone of contention with Pierre Buyoya, in order to preside over the transitional period.

The attempted putsch on 18 April 2001 above all illustrates the state of confusion of, in particular, the armed forces, and the Tutsi community, in general. It in fact vindicates Pierre Buyoya's partisans as much as his adversaries. The exposure of the acute divisions within the army and the celebrations which greeted the putsch in certain Tutsi quarters of Bujumbura<sup>68</sup> show the extent to which President Buyoya has become unpopular within his own community, irrespective of his attempts to legitimise his position. The President's room to move would seem so narrow that he cannot even strike firmly against the accomplices of the putsch, or even the ISCAM cadets, among whom are many sons of good families with close links to Burundi's superior officers. Pierre Buyoya no longer has a firm hold on power. He is doubtless at risk of being overthrown and eliminated by those who brought him to power or by the opposition in the armed forces. This catastrophic scenario would undoubtedly provoke an explosion of violence in the capital, the paying-off of scores between political leaders, and 'ethnic purification' operations. The negotiated departure of Pierre Buyoya, in the short term, is thus essential in order to save the peace process. In contrast, the total control of the situation by loyalist forces has undoubtedly strengthened his credibility as the interface for cease-fire

negotiations. Pierre Buyoya is no longer the uncontested chief of the Burundian armed forces, but remains the main representative of those forces. Even though PARENA is doubtless the ideal scapegoat for an attempted putsch and even though Lieutenant Ntakirutimana's anti-party and anti-FRODEBU declarations lend undue credence to Pierre Buyoya's moderate profile, the risk of assassination of the President by those who brought him to power – an obviously catastrophic scenario – is to be taken seriously. As a result, a solution to the transition question must be urgently found, since none of the alternatives proposed by the Burundian parties is associated with any assurance of faithful implementation of the peace accord.

#### **B. THE BUYOYA-BAMVUGINYUMVIRA OPTION: DANGEROUS MAINTENANCE OF THE STATUS QUO**

Faced with the inability of the political parties to achieve a consensus on the question of the leadership of the transitional period, Nelson Mandela and regional heads of state recommended, on February 26, 2001, in Arusha, that the transitional period be divided into two sub-periods of eighteen months each, alternately managed by a Tutsi President and a Hutu Vice President, then *vice-versa*, with the Hutu Vice President of the first period becoming the President of the second. That idea, finally accepted by the signatories, had been defended by Nelson Mandela since July 2000. UPRONA fell into line, while FRODEBU was consistently opposed, denouncing the head of state's cease-fire blackmail and stressing the need to re-establish the political legitimacy derived from the 1993 election for the transitional period. The ethnic arithmetic, whether elicited for reform of the army, or for the partition of the transitional period, does not provide any assurances for the peace process. As long as those who hold the real power have not been deprived of it, any attempt at application of the accord will amount to no more than a betrayal of the spirit of Arusha. Moreover, in that context, the ethnic arithmetic does not afford a response to the thorny question of the transitional leadership.

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<sup>68</sup> ICG interview, Burundian political observer, Bujumbura, 23/04/01.

## 1. Bururi: power or nothing

Although the war is materially preventing the implementation of the various Arusha accord protocols, the government's rejection of the set-up of transitional institutions, under the pretext of an absence of a cease-fire, is still not credible. The government's tactical management of the peace negotiations tends to prove that the status quo suits it well. The government's only concern is protecting its privileges and the impunity of the Bururi's political-military oligarchy, which returned to power in 1996 after President Buyoya's second putsch.<sup>69</sup> As the ICG has clearly shown in Report No. 25, entitled 'Neither War nor Peace', Pierre Buyoya's government has so far given no tangible sign of its strong commitment to moving Burundi toward a new system of governance that will enable an end to war. Confiding the transitional period to the government, with no assurances with respect to its departure and global and impartial implementation of the accord, would be equivalent to a dangerous pursuit of the status quo. The attempted putsch on April 18 shows the extent to which that has become dangerous.

Like Pasteur-Gaston Ntakirutimana, who seized the buildings of the Burundian national radio and television station in the afternoon of April 18, 2000, in order to overthrow the government, numerous officers of the Burundian armed forces complain of the excessively political management of the conflict by Buyoya, who appears to wish to sustain it, rather than find a durable solution, irrespective of whether that solution is political or military.

Dissatisfaction is also widespread among many of the army's cadres, who do not come from Bururi. They have the feeling that they are being used as cannon fodder for the sole benefit of the superior officers from Bururi, who are busy making the most of their Congolese business dealings or sharing out the few public contracts still allocated by the state. Non-commissioned officers from

Muramvya, Ngozi, Mwaro and Gitega are being asked to fight, without really being given the necessary resources, both to prevent an excessive number of victims among the Hutu civilian population and thus international indignation, and because maintaining a low-level conflict is politically advantageous for the regime. However, with the increase in the rebel's firepower, the situation is becoming unsustainable. The officers sent to fight are incurring increasingly heavy losses. As a result, they are increasingly critical of the political power which pretends to defend their interests, but in fact secretly negotiates with the enemy, while working toward their ultimate demobilisation, or 'throwing them out into the street' to replace them by 'genocidal' rebels, in the context of the reform of the armed forces.<sup>70</sup>

In brief, the general staff of the Burundian armed forces, among whom officers from Bururi predominate, is suspected, by the non-commissioned officers, of complacency with the status quo and of not doing anything, politically or militarily, to stop the war. Such disillusionment affects the discipline of the troops, who, while not necessarily ready to mutiny, frequently attempt to avoid combat by, for instance, managing not to receive their orders. But for the time being, as shown by the little support for Lieutenant Ntakirutimana in his attempted coup, the majority of the officers remain legitimist, resigned to the status quo. For both the military high command and the armed forces cadres, Pierre Buyoya remains, by default, the only acceptable leader for the transitional period. But a breach has been opened, and both the discontented non-commissioned officers and the Bururi political-military oligarchy could change their minds, as is also shown by the probable complicity with the apprentice putschists on April 18, 2001.

The political-military system of the South fears being forced into a premature political retreat, in which the protection and misappropriation of funds from which they benefit may be called into question. Impartial implementation of the peace accord means, by definition, the end of impunity, state monopolies and, for some people, appearance in court. However, the rejection of the candidate, Epitace Bayaganakandi, by an important fringe of

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<sup>69</sup> Cf. the lists of the bosses of state-controlled corporations and the regional administrative leaders, published by FRODEBU's newspaper, 'La Lumière', and appended. The lists are not exhaustive and doubtless over-represent the presence of individuals from Bururi in the state structures. The lists nonetheless give a significant indication of the extent of Bururi's 'return to business' after the 1996 putsch.

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<sup>70</sup> ICG interview, officer of the Burundian armed forces, Bujumbura, 08/02/01.

the Burundian army's high command, which includes a number of 'suspected putschists', and by the cadres, still appears unanimous. This is explained, in part, by the fact that, early in the negotiations with the leaders of FRODEBU, Epitace Bayaganakandi is reported to have agreed to leave them the presidency and to make do with the position of Vice President during the transitional period. In addition, certain army officers from Bururi blame Epitace Bayaganakandi for his flight to the French embassy on the day after the attempted putsch and assassination of President Melchior Ndadaye, in October 1993. For the army, the foregoing constitute unpardonable original sins.<sup>71</sup> Lastly, Colonel Epitace Bayaganakandi, who is from Muramvya, is too close to his congeners, who wish to replace the Bururi oligarchy, to be able to provide any protection for the others.<sup>72</sup>

Accordingly, as long as Pierre Buyoya manages to protect the interests of the Bururi's establishment, and Tutsi soldiers in general, his wished or supposed replacement by his own people would be counterproductive. Buyoya has not yet totally lost his image as a moderate appealing to the international community and the success of his political manoeuvring has demonstrated his skills as a defender of Bururi's interests at the head of state. In his face-to-face meeting with Jean Minani, then his signature of the peace accord with reservations, and his visit to Libreville, Pierre Buyoya has always retained the political initiative *vis-à-vis* his adversaries. Buyoya and his men also know how to exploit a double discourse and appeal to their troops. At each of their tours through the country's military barracks and at each meeting with the governors of the provinces or ISCAM young officers, they actively reassure the Tutsi community, indicating that, under no circumstances, will the Arusha accord be implemented, or the reform of the army or judicial system be initiated.<sup>73</sup> In addition, a sufficient number of institutional and political mechanisms have been provided for that purpose,<sup>74</sup> and the

army is already actively recruiting Hutu soldiers so as to be able to accept only a minimum of rebels, who will be carefully vetted.<sup>75</sup>

In fact, Pierre Buyoya and the Bururi oligarchy are still solidly anchored in power, and no resolution taken in Arusha can displace them. In parallel, although the attempted putsch weakened the head of state, he rightly considers that he has not been politically or militarily divested of his authority. Thus, the threat of rejecting all negotiations with the political parties despite the signature of the Arusha accord, and to focus on negotiations between the belligerents in Libreville, has been put on the table by the government.<sup>76</sup>

In fact, the absence of a cease-fire, maintenance of fear, and the spectre of a general mobilisation, or even declaration of a state of emergency, have become the government's favourite strategy in order to oppose the set-up of a transitional executive and attempt to restore the unity of the Tutsi community around the government. The declaration of a state of emergency is now presented as an eventuality that cannot be excluded, and the Tutsi population has been asked to mobilise massively when the time comes: 'the citizens must be ready for any eventuality and a vast program of civic training and civilian self-defence is being prepared by the accredited technical services ... vigilance is still required, and we must be ready for any eventuality'.<sup>77</sup> The set-up, at the end of March, of a national Security Council, intended to strengthen and better co-ordinate security operations in the country, is to be viewed in the same light.<sup>78</sup>

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<sup>71</sup> ICG interview, officer of the Burundian army, Bujumbura, 07/01/01.

<sup>72</sup> ICG interview, Burundian political observer, Bujumbura, 23/04/01.

<sup>73</sup> ICG communication, member of the partnership institutions, Bujumbura, 19/02/01.

<sup>74</sup> Cf. ICG, 'Burundi: Neither War nor Peace', *op. cit.*

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<sup>75</sup> ICG communication, member of the partnership institutions, Bujumbura, 19/02/01, and Burundi office, Briefing paper No. 813, Bujumbura/Bonn, 22/12/00.

<sup>76</sup> ICG interview, Burundian armed forces officer, Bujumbura, 18/02/01.

<sup>77</sup> Message of the town's maire, on the national radio station, and repeated in an Iteka news bulletin, 06/03/01.

<sup>78</sup> The national security council was created by presidential decree on 22/03/01, and met for the first time on 04/04/01. Chaired by the head of state, the council consists of the two Vice Presidents and the following ministers: external relations, interior, judiciary, national defense, agriculture, peace process, the governor of Kirundo, and the attorney general. Cf. RTNB Bulletin, 04/04/01.



## 2. The recycling of the Partnership Agreement

Conscious of the need to retain the political initiative and to at least partially apply the peace accord to obtain the U.S.\$ 440 million pledged by the international community at the Paris Conference in December 2000, UPRONA and the government argue in favour of a partial application of the accord, which would enable them to pursue the war against the rebels. The President's advisors are, in fact, convinced that the current unpopularity of the head of state is only temporary and mainly due to the dramatic degradation in the country's economic and humanitarian situation. A massive influx of international aid would no doubt enable the situation to be reversed.<sup>79</sup>

UPRONA and the government also argue that, to prevent an institutional guerrilla war of the 'government convention' type, it is indispensable for the parties to negotiate a transitional constitution to overcome the deficiencies of the peace accord and clarify the relationships, power sharing, and everyday operations of the transitional institutions. In doing so, the government is also playing for time, with a view to breaking the political parties' rejection front, allowing Libreville to progress, and imposing Pierre Buyoya as the only leader able to negotiate a cease-fire, and hence manage the first half of the transitional period.<sup>80</sup> The negotiations for a transitional constitution would also enable UPRONA to offer tempting transitional positions to the members of the G6 resistance and form a 'broader partnership' open to a majority of the political parties.

Pierre Buyoya uses both carrots and sticks. He did not hesitate to adopt a more aggressive stance on the eve of the summit on February 26, and brandish the threat of 'appropriately' punishing all those who wished to foment disorder in the country, with a view to changing the current political order, inviting the political class to return to the negotiating table to determine a calendar for the succession of the head of state, without violating the Arusha accord.<sup>81</sup> A meeting of the G6, at which the candidate, Epitace

Bayaganakandi, was to present his New Year's message, was scheduled for January the 7<sup>th</sup>. The national documentation services intervened to prevent the meeting being held and disperse those trying to attend.<sup>82</sup> Similarly, the journalists of the national press are regularly intimidated to discourage them from covering Epitace Bayaganakandi's candidature or from reporting the rebels' political positions.<sup>83</sup> Alphonse Rugambarara and Joseph Nzeyimana, leaders of the MSP-Inkinzo and RADDES, respectively, and two outspoken opponents of Pierre Buyoya, were also threatened with arrest, in February 2001, for embezzlement, which they were said to have committed, for the former, during his ministerial mandate under the government convention, and, for the latter, during his controversial management of the national lottery.<sup>84</sup> Alphonse Rugambarara was finally thrown into prison on March 31, 2001. Charged with flagrantly insulting the President, he was arrested on leaving a press conference organised by the G6 parties, during which he violently attacked the government. That signatory of the Arusha accord, a permanent member of the implementation and monitoring committee, was finally released on the day of the attempted putsch, thanks particularly to the intercession of the chairman of the IMC, the representative of the Secretary General of the United Nations, Berhanu Dinka.<sup>85</sup>

For the government and UPRONA, the maintenance of the current President is not negotiable. Both the government and UPRONA have rejected, from the outset, the set-up of the institutions recommended by the accord and argue they must remain strong to fight or negotiate with the rebels. But in order to prevent that scenario legitimising the armed struggle and the risk that the parties having signed the Arusha accord renege, the partial application of the institutions is also being considered, as a function of the constraints current at the time.<sup>86</sup> Due to the necessity of

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<sup>79</sup> ICG interview, Arusha, 26/02/01.

<sup>80</sup> ICG interview, member of government, Bujumbura, 18/02/01.

<sup>81</sup> PANA Bulletin, 06/02/01.

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<sup>82</sup> ICG participant observation, January 2001.

<sup>83</sup> Cf. Minutes of a meeting of the minister of communication with the main heads of the Burundi media, mimeograph, 02/03/01.

<sup>84</sup> ICG interview, Burundian political observer, Bujumbura, 07/02/01.

<sup>85</sup> ICG interviews, Western diplomats, Bujumbura, 24/04/01.

<sup>86</sup> Burundian government, 'The problems of implementing the Arusha accord for peace and

maintaining the war effort, the composition of the transitional institutions requires thorough revision in order to block all openings for the enemy. Since the leaders in exile cannot return home in any case, their participation in the transitional institutions is excluded. For UPRONA-Rukingama,<sup>87</sup> the distribution of the jobs accepted in Arusha and the sharing of the powers between the various institutions must be reviewed, and only the cease-fire and completion of the reform of the armed forces should, in fact, determine the end of the first transitional period, which cannot be pre-restricted to a duration of eighteen months.<sup>88</sup> In the absence of a cease-fire, UPRONA proposes entirely rewriting protocol II of the peace accord, in order to remain in power under the pretext of maintaining the resources to wage war. That option would enable partial application of the accord, while protecting the establishment's interests. In the meantime, in order to keep the hope of change alive, the set-up of a regular meeting framework for the signatories present in Burundi is considered advisable.<sup>89</sup>

The regime's strategy has, of course, scored the most points with the FRODEBU representatives, who are already members of the partnership. The party did not manage to reach unanimity on the candidature of Domitien Ndayizeye to lead the transition. The party's historical leaders, such as the former President, Sylvestre Ntibantunganya, the President of the national assembly, Léonce Ngendakumana, or the current First Vice President, Frédéric Bavumgivyumvira, share the government's concern with avoiding institutional deadlock and defending the need for a transitional constitution. They are also worried about their future and contest the manner in which Domitien Ndayizeye has been appointed FRODEBU's official candidate for the transitional period, imposed by Jean Minani. Lastly, the historical leaders fear the influence of the Rwandan school in FRODEBU and the future transitional

institutions.<sup>90</sup> The Rwandan school, in fact, consists of former Burundian refugees, having lived in Rwanda, such as Domitien Ndayizeye, who only returned to the country at the beginning of the nineties, and are close to PALIPEHUTU and the old Habyarimana regime. Those figures are suspected of ethnic radicalism and links with the FNL.

Léonce Ngendakumana had already held discussions with the government in order for the ratification of the peace accord by the national assembly not to give rise to a political vacuum, and, above all, in order for a prolongation of the interim period, during which negotiations for the cease-fire, negotiations on reservations and the drafting of a transitional constitution, could continue. Léonce Ngendakumana also went to South Africa with Sylvestre Ntibantunganya, then to the refugee camps, to attempt to bring the rebels to the negotiating table and to defend his own vision for the application of the Arusha accord. The President of the national assembly defends the idea that his institution is the only one able to legitimately designate the transitional leader, a procedure generally considered very favourable to Pierre Buyoya, due to the weight of the Nzajibwami wing in the party.<sup>91</sup> Lastly, the heavy work program prepared by the President of the national assembly for the opening of the parliamentary session at the start of April<sup>92</sup> greatly strengthens the government's position. The program gives the impression that the partnership institutions are, in fact, the guarantors of implementation of the peace accord, whose integrity would be defended by the President of the national assembly and the Vice President. The

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reconciliation in Burundi', mimeograph, February 2001.

<sup>87</sup> In 1998, Uprona split between the Mukasi wing and the Rukingama wing, the latter clearly supporting the current political power.

<sup>88</sup> Letter from the central committee of the UPRONA party, 'Rebuilding the nation', No. 22, February 2001.

<sup>89</sup> 'Government message on the state of progress of the peace process in Burundi', mimeograph, February 2001.

<sup>90</sup> Cf. ICG, 'Burundi: Neither War nor Peace', *op. cit.*

<sup>91</sup> Pana Bulletin, citing the President of the assembly, Léonce Ngendakumana, 13/03/01.

<sup>92</sup> Bill to promulgate the transitional constitutional arrangements act; bill for provisional immunity from pursuit for politically-motivated crimes committed before signature of the accord; bill enlarging the transitional national assembly; bill creating the senate; bill for general amnesty in favor of the parties' and political movements' fighters for crimes other than those of genocide, war crimes, crimes against humanity, and participation in coups; bill revising the existing law on political parties; bill for the procedures for pursuit and judgment of persons guilty of genocide, war crimes, or crimes against humanity; bill restoring the rights of refugees. Cf. Burundi office, Briefing paper No. 879, 03/04/01.

presentation of bills addressing provisional immunity for politically-motivated crimes committed before the signature of the accord, and providing for general amnesty in favour of the parties' and political movements' fighters for crimes other than those of genocide, war crimes, crimes against humanity, and participation in coups, also constituted an olive branch extended to the rebels and Tutsi extremists to encourage them to join the partnership and support the application of the peace accord. Léonce Ngendakumana wants to remove all pretexts for the rebels refusing the peace accord and he is pushing for of urgent completion of the negotiations between UPRONA and FRODEBU, and withdrawal of the reservations and the conditions for set-up of the transitional institutions. Moreover, Frédéric Bavumginyumvira appears to wish to be his own successor in the context of a broadened partnership. His unsuccessful attempt to become the transitional presidential candidate of FRODEBU elicited sympathy in the armed forces, capitalising on the exercise of the preceding thirty months of power in the context of the partnership.<sup>93</sup>

This prospect for a return of a broadened partnership has, of course, given rise to fractures in FRODEBU, which the government wishes to maintain with the future return of exiled leaders to the country (in particular, Jean Minani and Léonard Nyangoma). In order to enable that return, the government has now accepted the presence of a South-African force for the personal protection of those leaders and to ensure implementation of the peace accord. In addition, in the event of a cease-fire, the government has conceded the deployment of a United Nations observers' mission of the MONUC-type in Burundi.<sup>94</sup> Another alternative was submitted to Nelson Mandela at the start of May and to the same end: formation of a 'pre-transition' government for an indefinite period, including the signatories of the accord present in the country, pending a cease-fire which would lead to the real transition.<sup>95</sup> Nothing could be less convincing.

Finally, despite the government's intrigues and pressures, the Burundian political parties have, in their vast majority, resisted the call to approve Pierre Buyoya's candidature for leadership of the transition. The session of the Arusha signatories on March 19 closed its proceedings with the controversial appointment of the G6 candidate, Colonel Epitace Bayaganakandi, as President of the transition, and that of the G7 candidate, Domitien Ndayizeye, as Vice President of the first term of the transition. That tandem, derived from the alliance of 14 Hutu and Tutsi political parties, will be submitted to the mediator, who will convene a new summit to ratify the choice of the political parties.

This time, irrespective of the pressure from the heads of state of the region, the signatories of the accord have rejected Pierre Buyoya and are liable to paralyse the IMC, if their wishes are not respected. But for as long as the partition of Pierre Buyoya's power has not been negotiated (reforms of the security forces, judiciary, impunity, access to resources), any attempt to impose an alternative formula will fail, and the government will, in its turn, be able to block the IMC's work or simply refuse to relinquish power, triggering a political crisis, from which the peace process would probably not recover.

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<sup>93</sup> ICG interview, FRODEBU member and the government, Bujumbura, 27/01/01.

<sup>94</sup> ICG interview, Burundian political observers and members of government, Bujumbura, 17-19/02/01.

<sup>95</sup> RTNB Bulletin, Interview with Pierre Buyoya on his return from South Africa, 07/05/01.

## C. THE BAYAGANAKANDI-NDAYIZEYE OPTION: A FALSE ALTERNATIVE, YET A REAL THREAT

Despite the media presence of their partisans, the alternative 'Epitace Bayaganakandi - Domitien Ndayizeye' has little chance of winning the leadership of the transition. Since the signature of the peace accord, Pierre Buyoya is clearly stronger at regional and international level<sup>96</sup> and, even though his personal popularity is at its lowest, the power he can bring to bear has not been fundamentally eroded. The balance of power, particularly military power, is still greatly in his favour. A pressure strategy intended to advance an alternative, in principle, to Pierre Buyoya for the transition and to undermine his pretension of being the only Tutsi military officer able to negotiate the cease-fire, the 'Epitace-Domitien' candidature is above all exemplary of the general rejection of the status quo, espoused by the broadened partnership, and the need for change at the head of the country. Irrespective of the security threat, the Tutsi camp has not been able to unite behind the head of state. Despite its commitment to restoring the constitutional legitimacy of 1993, the Hutu camp cannot unite against him either. The 'Epitace-Domitien' alternative thus reflects the dissociation of the military and political views and the dramatic fragmentation of the political forces in Burundi. That fragmentation has become a threat to the peace process.

### 1. An attempt to weaken the enemy

The Epitace Bayaganakandi-Domitien Ndayizeye ticket is a surprising alliance, which has never received the clear and massive support of FRODEBU militants, or that of the coalition around the former minister of the interior. The dispute between the two camps is too great for the association of their representatives to be credible or represent a real threat to Pierre Buyoya.

First, the FRODEBU militants suspect Colonel Epitace Bayaganakandi of some responsibility in the assassination of President Melchior Ndadaye in October 1993. The militants accuse him of having become aware, several days in advance, of the plotting against the elected President, having been

forewarned by the gendarmerie, and of having done nothing to save the head of state.<sup>97</sup> They also accuse Epitace Bayaganakandi of being responsible for the killings in the 'triangle of death' in the Gihosha quarter, situated to the North of the town of Bujumbura, perpetrated by members of the national army, in February 1994, a few days after the investiture of President Cyprien Ntaryamira. Similarly, many of the party's members still recall Epitace Bayaganakandi's decree suspending the FRODEBU party in November 1997, when he was Minister of the Interior. The move won him the confidence of many members of the Tutsi community, who see him as a true defender of that minority's interests, but, of course, generated distrust among FRODEBU sympathisers and members. They are also distrustful of the support Epitace Bayaganakandi claims from the anti-Arusha 'rejection front' (UPRONA Mukasi wing, PA-Amasekanya, JRR, etc.).

Why has the alliance between FRODEBU and Colonel Bayaganakandi come into being? Is it because of Domitien Ndayizeye's personal ambition, his lust for power and its attributes? It was undoubtedly necessary to maintain the pressure on the head of state and give the impression that a possible alternative existed, whatever it might be. In addition, the legitimate fear of indefinite maintenance in power of Pierre Buyoya and lassitude with regard to UPRONA's dilatory and divisionist manoeuvres are real concerns in FRODEBU's ranks.<sup>98</sup> By playing FRODEBU against CNDD and Jean Minani against Léonard Nyangoma and Augustin Nzajibwami, Pierre Buyoya has ultimately given the impression that he has no respect for his political adversaries and wants to hang on to power at all costs. Moreover, for Domitien Ndayizeye, the need for a transitional constitution, defended by UPRONA, has yet to be demonstrated. UPRONA opposed the drafting of the constitution by commission II in Arusha for two and a half years. UPRONA's current requirement is only intended to delay the inevitable. Two reference documents already exist: the 1992 constitution and the peace

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<sup>96</sup> Cf. ICG, 'Burundi: ni guerre, ni paix', *op. cit.*

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<sup>97</sup> Colonel Epitace Bayaganakandi was appointed head of the national gendarmerie by President Melchior Ndadaye as soon as the latter had assumed his responsibilities on July 10, 1993.

<sup>98</sup> ICG interview, FRODEBU parliamentarian, Bujumbura, 26/04/01.

agreement. A third would only add to the confusion.<sup>99</sup> Lastly, Pierre Buyoya is sometimes perceived as a partner who is too powerful for joint management of the transition. Thus, a weaker, foreseeable, and hence controllable, enemy, such as Colonel Bayaganakandi, would be preferable. So, why waste this opportunity to dismantle the Bururi power base?

The dissensions of FRODEBU with respect to Buyoya's candidature put the party in a difficult position. The party cannot eternally maintain two diametrically opposed views and maintain negotiations with both camps. From October 2000 to January 2001, discreet negotiations between Jean Minani and the head of state, or their respective teams, were held in Dar-es-Salaam, Malawi, and even Arusha, with a view to withdrawal of the reservations and agreement on the procedure for setting up transitional institutions and sharing the jobs. However, in parallel, Domitien Ndayizeye was also negotiating the same questions with the G6 parties.<sup>100</sup> As the six-month interim period drew to a close, FRODEBU considered that the numerical superiority of the thirteen parties arrayed behind the Domitien-Epitace tandem would enable them to win the day. Jean Minani then decided to break off negotiations with UPRONA and to co-sign the thirteen parties' declaration, finally rejecting Buyoya's candidature for leadership of the transition, toward the end of January 2001 in Arusha. FRODEBU chose to attempt to have Pierre Buyoya's demise ratified by the heads of state of the region on February 26, 2001. Nelson Mandela's categorical refusal to accept the candidature of Epitace Bayaganakandi, even as Vice President of the transitional period, due to his poor knowledge of the peace process and the absence of credibility of his supporters, turned that dangerous gamble into a failure.

Following Lieutenant Ntakirutimana's attempted putsch, the splits in FRODEBU widened once again. An attempt at reconciliation and a concerted approach, conducted in Nairobi on May 2 and 3, 2001, was unsuccessful. The option of a third Tutsi

candidate was again considered.<sup>101</sup> But, can such an option be successfully implemented? For the historical wing, the failure of the attempted coup showed that Pierre Buyoya was the only possible political partner for transition: the only Tutsi military officer able to make the army accept the massive incorporation of Hutu rebels and the only Tutsi political leader liable to make the transitional institutions work in a new partnership. The presumed complicity of the officers involved in the coup with the army's general staff and the breach opened in the Tutsi camp are also grounds for concern for the historical wing. The latter fears that much more radical politicians, who categorically reject the peace process, may seize power with the support of part of the army and plunge the country into chaos, putting an end to the peace process and blindly eliminating the successors of Ndadaye.<sup>102</sup> Conversely, Domitien Ndayizeye and Jean Minani denounce the attempted putsch as manipulation by political power and as an attempt to regain credibility at national and international level.

Since the attempted putsch, the partisans of candidate Bayaganakandi have been divided. The G6 partisans initially considered that their rallying to Pierre Buyoya should first be the subject of negotiations. Rallying could not be taken for granted. Furthermore, given the regionalist flavour of the initiatives of those in power (overtures towards the Bururi leaders, Jean-Baptiste Bagaza (PARENA) and T rence Nsanze (ABASA), negotiations with Jean-Bosco Ndayikengurukiye), which demonstrated a commitment to protecting the establishment rather than defending the interests of the Tutsi community, rallying became impossible. In addition, the alliance with the six G7 parties enabled many more jobs in the transitional institutions to be secured, scoring points on Arusha, while UPRONA proved somewhat parsimonious on the subject, refused to negotiate real sharing of the dividends of power and even threatened its natural political partners. But the attempted putsch changed the deal. Completely unexpectedly, it showed that the anti-Buyoya officers were also anti-Arusha. Despite Alphonse Rugambarara's and Joseph Nzeyimana's denunciation of the farcical putsch that Buyoya

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<sup>99</sup> ICG interview, general secretariat of FRODEBU, Bujumbura, 08/02/01.

<sup>100</sup> ICG interview, head of FRODEBU, Bujumbura, 28/04/01.

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<sup>101</sup> ICG interview, FRODEBU member, Nairobi, 06/05/01.

<sup>102</sup> ICG interview, FRODEBU parliamentarian, Bujumbura, 26/04/01.

was believed by many to have plotted against himself, Rugambarara and Nzeyimana issued orders against the putsch to their militants. They feared that their main media show, Arusha, would disappear in the chaos following the coup. Conversely, the partisans of the anti-Arusha framework agreement, who also railed against the farcical putsch, nonetheless hoped that it would accelerate the fall of Pierre Buyoya and the final demise of the peace accord.

Jean-Baptiste Bagaza's 'moral support' for the mutinous officers also sounds like a veritable threat to the peace process. Despite several visits to Jean-Baptiste Bagaza in Kampala, Epitace Bayaganakandi did not succeed in securing PARENA's support. PARENA accuses Epitace Bayaganakandi of having made up the file on the 1997 attacks on the mines and the conspiracy against state security that led to the arrest of several of the party's militants in February 1998, and the long confinement of President Bagaza, placed under house arrest.<sup>103</sup> Moreover, officially, the former head of state is also a candidate for leadership of the transitional period. The arrest of members of PARENA after the attempted putsch shows that there is conflict within the Bururi community. Even though Jean-Baptiste Bagaza is the ideal scapegoat for the political responsibility for the attempted putsch, it is clear that the mutineers complicity lead directly to PARENA supporters, even though that does not necessarily implicate the former head of state, who is, in addition, suspected by his own troops of an agreement with Pierre Buyoya so as to obtain the position of President of the senate during the transitional period.<sup>104</sup>

In the final analysis, it is no longer the prospect of the Epitace-Domitien tandem that threatens the peace process, but the premature disappearance of Pierre Buyoya, eliminated by a Tutsi extremist rejecting the conclusion of the Arusha accord. The arrival of that tandem in power, without the drafting of a transitional constitution to offset the shortcomings of the peace accord, and without any trust between the main representatives of the executive and with no cease-fire, would be equivalent to a certain return to the 'government

convention' period of 1994-1996,<sup>105</sup> i.e. institutional deadlock and infighting at the heart of the state over the slightest decision, which would be possibly resolved by the threat of street fighting and ethnic purification of parts of Bujumbura. That catastrophic scenario shows the extent to which a transitional constitution is indispensable. It will not force the people of Burundi to work together if they do not want to, but it will strengthen those who want to make the peace process succeed in the face of the dilatory tactics and litigious manoeuvres of politicians with no interest in the success of the process.

But, currently, if the peace process is not rapidly unblocked, and if the direct negotiations between FRODEBU and UPRONA to set up the transitional period with assurances as to the departure of the head of state do not bear fruit, another catastrophic scenario, that of a true putsch, is also foreseeable. Hence, the temptation of certain leaders to prepare for violence.

## **2. The temptation to prepare for violence**

FRODEBU has always been handicapped by its scant hold on the main rebel movements, particularly the CNDD, despite the fact that the latter derives from its ranks. The party committed to unarmed political struggle immediately after the Ndadaye assassination, even though it may have been conniving with the CNDD or PALIPEHUTU. However, the attempts to control the rebellion during the Arusha process, 'in the name of imposition of the principle of the interests of the majority', were not fruitful.<sup>106</sup> Despite its efforts and repeated meetings with the rebels since Autumn 2000, FRODEBU, which obtained postponement of the threat of regional sanctions in order for FRODEBU to intervene with the rebels, did not succeed in imposing its political leadership on the armed movements. The Majorca meeting in January 2001, engineered by Jean Minani to restore his credibility with the G7 group in the face of Léonard Nyangoma and the CNDD, delivered little of note. None of the real leaders of the rebellion attended and the meeting only gave rise

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<sup>103</sup> ICG interview, Burundian political observer, Bujumbura 06/02/01.

<sup>104</sup> ICG interview, PARENA member, Arusha, 26/02/01.

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<sup>105</sup> Cf. ICG, 'Burundi: The Issues at Stake. Political Parties, Freedom of the Press and Political Prisoners', Central Africa Report No. 23, 12/07/01.

<sup>106</sup> ICG interview, member of the Tanzanian facilitators, Arusha, 27/01/01.

to a declaration of principle on the convergence of the views of the G7 and rebel movements with regard to the strengths and gaps of the Arusha accord.<sup>107</sup> The rebel movements deny that FRODEBU can represent their interests and require, as a prerequisite for any discussion, that FRODEBU quit the partnership.<sup>108</sup> Thus, FRODEBU, the fallen star of Arusha, with no control over the rebellion, divided, and with no grip on the course of events, is threatened by marginalization. FRODEBU also risks paying for the degradation of the situation in the armed forces and the violent seizure of power by an anti-Arusha Tutsi lobby.

At a time where the peace process is more than ever threatened by the belligerents, political strength is liable to be measured in the potential for military damage. Léonard Nyangoma's CNDD has clearly perceived this. The former head of propaganda with FRODEBU did not hesitate to distance himself from the results of the Arusha accord as of its signature.<sup>109</sup> He has also moved away from Domitien Ndayizeye, the G7 official candidate for the leadership for the transitional period, by presenting his own candidate, Ambassador Albert Mbonerane. Remote from the application of the peace accord, the CNDD is positioning itself to obtain maximum benefit from the negotiations on the instruments of power, if those negotiations take place, and, in the meantime, to portray itself as morally superior to FRODEBU, first compromised by the 'government convention', then by the partnership, with no tangible result to show for it.<sup>110</sup> For the CNDD, given the situation in the country and the current deadlock, 'the fundamental question in Burundi is not the transitional period, but rather the creation of a new national army and a new national police force.' Showing disingenuous 'common sense', Léonard Nyangoma stated: 'I think it would be better not to put the cart before the horses, by setting up a transitional government, as long as the

question of forming a new defence and security organisation has not been decided.'<sup>111</sup>

In the recent context of the priority given to the cease-fire, Léonard Nyangoma became aware of the need to reaffirm his presence in the field and mark points against FRODEBU. Léonard Nyangoma thus withdrew from the G7 and, at the same time, resumed contacts with his old networks in Kigoma, Tanzania, while recruiting.<sup>112</sup> In parallel, in Arusha, the CNDD is pushing for application of Article 2.B of the foreword to the peace accord, which, in the absence of a cease-fire, requires all the signatories to officially condemn the belligerents and to exclude them from negotiations on the reform of the security forces. The implementation of that controversial article, for which the FDD and FNL rejected the Arusha accord, would in fact leave the CNDD practically alone to negotiate the reform of the security forces with the government and would undoubtedly result in the drain of FDD fighters toward the CNDD, while weakening the FRODEBU's political credibility a little more.

The delay in the implementation of the accord, which calls for repatriation of civilian refugees, fighters and political leaders, subjects those groups to the risk of a return to the bush as the call to combat becomes increasingly strident.<sup>113</sup> The fighters having left the ranks of the rebellion and grouped together in the 'front for national salvation and rescue' (Front du salut et du sauvetage national) deplore that, since the signature, they have had no contact with the facilitators, while fearing the arrangements that may be made between Buyoya's regime and Jean-Bosco Ndayikengurukiye.<sup>114</sup>

Currently, FRODEBU is also greatly interested in the deserters. FRODEBU does not exclude the option of war in the event of violation of the accord. For FRODEBU, the deserters thus constitute a force that may be needed.<sup>115</sup> However,

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<sup>107</sup> 'Press release of the Burundian parties and democratic movements meeting in Majorca, from January 5 to 7, 2001', mimeograph, 08/01/01.

<sup>108</sup> ICG interview, liaison officers with the rebels, Bujumbura, 24/04/01.

<sup>109</sup> For further details, cf. ICG, 'Burundi: Ni guerre, ni paix', *op. cit.*, p. 17. & p. 21.

<sup>110</sup> ICG interview, CNDD sympathizer, Nairobi, 28/03/01.

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<sup>111</sup> Dispatch, Fondation Hironde, 28/02/01.

<sup>112</sup> ICG interview, member of the Tanzanian mediation team, Arusha, 24/03/01.

<sup>113</sup> *Ibid.*

<sup>114</sup> ICG interview, liaison officer with the rebels, Bujumbura, 25/04/01.

<sup>115</sup> ICG interview, FRODEBU member, Bujumbura, 18/03/01

since the FDD and FNL have moved closer together and since the change in command in the latter, delegations have also been dispatched to persuade the deserters of a change in direction and the dividends to be obtained from intensifying the armed struggle. Many are thus courted and threatened in the suburbs of Kigoma and Dar-es-Salaam and subject to pressure from the parties and belligerents. Urgent action is required with respect to those groups who, in the absence of any other contacts, are liable to slip back into violence.

In that context, it is urgent for the facilitators to reverse the direction of the negotiations and offer a reward for peace, instead of favouring the rebel leaders on the basis of their ability to do harm. The rebellion is currently too fragmented for it to be possible to maintain illusory negotiations with rebel chiefs using violence as a means of applying pressure, without necessarily representing all the forces. Many fighters are ready to lay down their arms if they are offered an opportunity of benefiting from the peace process. Unless the FNL and FDD leaders produce a tangible sign in support of the peace process, such as the unilateral declaration of a truce, the facilitators should create conditions for the reception and census of 'Front du salut et du sauvetage national' fighters in Tanzania and make the latter the preferred targets of the professional reinsertion plans or incorporation in the army. The fighters should be offered the means of choosing their representatives for negotiations on reform of the security forces from among the signatories of the Arusha accord. In that context, the facilitation requires a radical change in approach and methodology.

## **D. A PROCESS WITHOUT CLEAR DIRECTION**

### **1. The Accord implementation and monitoring committee, a costly arena of interminable debate**

The ultimate illustration of the current impossibility of applying the Arusha accord is supplied by the scandal already generated by the indecent spectacle of the proceedings of the implementation and monitoring committee in Arusha. Since the official announcement of the launch of the activities of the Arusha accord implementation and monitoring committee (IMC) in November 2000, in Arusha, by the mediator, Nelson Mandela, the institution has made little progress. Having selected Arusha as the provisional headquarters, the discussions on the internal rules, composition and site of the headquarters of the IMC's executive board had still not been completed in early March. The seemingly endless debates on questions of procedure and the position and salaries of the members have delayed set-up.<sup>116</sup> The IMC is being transformed into a credit society for its members, a small forum for perpetual negotiations, where the parties procrastinate with no consciousness of the urgency of their task or the suffering of the people of Burundi. Each session costs U.S.\$ 250,000. Some representatives of the international community have already threatened to suspend all financing for IMC activities, if the committee does not rapidly produce tangible results.<sup>117</sup>

In consequence, the session from March 19 to 24 finally produced a minimal result: an agreement between the signatories, enabling the establishment by the government of an inquiry commission consisting of UN experts on the question of political prisoners and the conditions of their imprisonment, and the appointment of the thirteen members of the executive board.<sup>118</sup> The IMC has also set up working groups responsible for compiling a list of the provisions of the Burundian legislative and regulatory texts, preventing or interfering with the exercise of political freedoms or constituting obstacles to application of protocol II of the accord. The working groups are also responsible for preparing the awareness campaign

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<sup>116</sup> ICG interview, UNO diplomat, Nairobi, 27/03/01.

<sup>117</sup> ICG interview, Western diplomat, Nairobi, 06/04/01.

<sup>118</sup> AFP dispatch, 25/03/01.



to be conducted by the mediator, accompanied by the signatories and the IMC members, in Burundi and outside it. However, the exclusion of PARENA from the debates (PARENA has not signed the undertaking to support implementation of the peace accord) and the absence of negotiations on the reservations formulated by the signatories with respect to the contents of the accord will make the IMC an arena for endless debates and paralysis instead of an institution supporting its implementation. The IMC should be suspended so that its method of operating can be reviewed and corrected, so as to optimise results and effectiveness.

## **2. Nelson Mandela: an unclear mediation**

The implementation of the accord also suffers from the indecision and undeniable hesitation of the South African mediation. Other than increased delegation of responsibilities to Vice President Zuma, Nelson Mandela does not seem to have a very clear view of the method of pulling Burundi out of conflict. Weary of a formula that he himself resumed when he could have changed it, Nelson Mandela gives way to the facility of ethnic arithmetic or to systematic threats of resignation, military intervention, etc. Facilitation by the South-African team seems uncertain, both with regard to the form and the substance.

With regard to the substance, the decision to opt for ethnic sharing in the security forces, and again for the ethnic sharing of leadership over the transitional period, is questionable. The facilitation team should not forget that, while the Burundi conflict is indeed anchored in the fears, prejudices and debt of blood between the two communities of Burundi, it is nonetheless essentially a political conflict, in which ethnic considerations are only one of the dimensions. The stakes in the conflict are power and its instruments (army, judiciary, wealth) while ethnic considerations, such as home regions, are only their vehicles of expression. The problem is thus not only one of sharing power between the Tutsis and Hutus, but above all of ensuring the future of a new system of governance in Burundi, in which the access to the instruments of power will be controlled, limited and equitable. Such an objective cannot be achieved by replacing one system of domination by another, or by organising institutional cosmetics. The Burundian refugees deserve much more than a few hours on

an overloaded agenda, during which Nelson Mandela formulates a surrealistic discourse on preparations for return, while the fighting is still raging in the country.<sup>119</sup> The refugees were not deceived. They replied to the facilitator's injunctions by stating that he should instead begin by returning power to those from whom it was taken and ensuring the end of the Tutsi monopoly control over the security forces.<sup>120</sup>

With regard to form, Nelson Mandela should understand that, even though he obtained the signature of the Arusha accord by force, he cannot obtain the cease-fire or its application the same way. The people of Burundi have already buried Julius Nyerere, and one facilitator more or less will not make much difference. Moreover, when threats are not supported by a tangible capability for action, the effect is counterproductive. The rebels made fun of the threats of sanctions and international and regional condemnation in September 2000. They also took note of the United Nations Secretary General's refusal when the facilitators requested the establishment of a force to maintain peace, pursuant to Chapter VII of the UN Charter. A sustained regional and international diplomatic effort is necessary in order to create a united front behind the facilitation. Nelson Mandela's name and his threats to resign will not be enough. A genuine negotiating strategy, based on equally substantial shuttle diplomacy addressing the belligerents and the states in the region, is equally important. Nelson Mandela has neither the patience nor the time, and does not seem to wish to surround himself by a professional, international negotiating team to achieve that end. Delegating sections of the negotiations to Vice President Zuma is no solution. The gaps in Nelson Mandela's facilitation are exemplified by the fact that he did not go with Jacob Zuma to Gabon to meet with President Bongo, with a view to consultation and formulation of a concerted position, nor to Dar-es-Salaam to discuss Tanzania's important role in the resolution of the conflict.

Despite President Bongo's promises to remain faithful to the framework of Arusha, Burundi

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<sup>119</sup> Cf. IRIN Great Lakes Update No. 1124, 28/02/01.

<sup>120</sup> 'Requests And Suggestions Presented by the Burundian Refugees To Mandela', JRS Alert Burundi, 23/03/01.

cannot allow rivalry between the French and English-speaking facilitators to continue. Closer consultations with France are required in order to co-ordinate efforts, ensure their consistency and not disperse them. The Western and regional powers must not provide the belligerents with the possibility of playing French and English speaking heads of state against each other, nor the facilitators against each other. A joint effort was possible for the Paris Conference; there is no reason for it not to be possible to obtain a cease-fire. Similarly, the FNL must not negotiate in South Africa while the FDD negotiate in Libreville. The rebels must meet the government and the belligerents must be confronted with a united regional and international front.

### **III. BREAKING THE DEADLOCK**

Burundi is not ready for implementation of the Arusha peace accord. Not only are the rebels at war, but neither the reservations, nor power sharing, nor even the departure from power of Pierre Buyoya, have been negotiated. Implementing the accord in a hostage situation would give too much room to move to the belligerents, who are ready to keep or take power at any cost. Before implementing the accord, negotiations on Bururi's power must be completed, the operational effectiveness of the transitional institutions strengthened, and the belligerents weakened so that they can accept the logic of peace. This new stage in the negotiations requires two essential conditions: an end to the uncertainty with respect to the transitional leadership, and release from the Arusha formula.

#### **A. REORGANISING RESPONSIBILITIES WITHIN THE FACILITATION PROCESS AND DEFINING A COHERENT MEDIATION STRATEGY FOR LIBREVILLE AND PRETORIA**

The mediation hesitations over the last few months, with respect to both the transition dossier and the cease-fire dossier, have become counterproductive. It is becoming urgent for Mandela to clarify the mediation responsibilities and establish a facilitation strategy, which he could subsequently leave a competent team to implement. In this context, Vice President Zuma could complete the negotiations on the transitional institutions in Pretoria and President Bongo could be officially designated by the region as the co-facilitator responsible for negotiations on the cease-fire. The FNL and FDD would thus go to Libreville together to negotiate the cease-fire and reform of the armed forces with the government, while UPRONA and FRODEBU could negotiate, under Jacob Zuma's mediation, the withdrawal of their reservations and the drafting of a transitional constitution. It would be up to Nelson Mandela alone to obtain assurances from Pierre Buyoya with respect to his departure from power. The reorganisation must be accompanied by a marked increase in the personnel of the Mandela Foundation.

## **B. SOLVING THE TRANSITIONAL LEADERSHIP QUESTION ONCE AND FOR ALL**

Peace and reconciliation are not negotiated with one's friends, but with one's enemies. On the basis of that conviction, a third way is necessary to settle the transitional leadership problem. Pierre Buyoya and Domitien Ndayizeye are the two candidates who most clearly represent their two camps. The facilitator should therefore invest them with responsibility for the composition of the transitional government and the offices of the national assembly and senate, and leave them to negotiate with the other political parties. Openings should be left for the representatives of the rebels, such as, for example, secretaries of state for defence or the ministry of the interior. Partisan political coalitions will never reach an agreement otherwise, and even though the broadened partnership solution affords a greater chance of application of the peace accord than the solution of a return to the 'government convention', it is not satisfactory. The solution is too biased in favour of UPRONA and looks too much like disguising the status quo in order to obtain adhesion.

UPRONA and FRODEBU, as the main historical political forces in the country, should be the architects of the transition. Pierre Buyoya can rightly claim that he has not been defeated militarily or politically and that his signature on the cease-fire agreement will commit the vast majority of the armed forces. Moreover, it is his power that is in question and it is his right to obtain an honourable exit, so that he will be remembered in the history of the country as the man who initiated the democratisation process and brought the country to safety after several years of chaos. The contemporary political and security situation is, in fact, still better than that in 1996. But the need for change remains urgent. Change can only be obtained by negotiating certain guarantees for Pierre Buyoya's departure with the interested parties. Following his departure from power, his protection and that of certain people close to him should be guaranteed. Those guarantees should be ratified and recognised by the international community in order to prevent any risk of legal proceedings outside the country. Were the head of state not to accept such negotiations, the members of the Security Council could rightly declare that the head of state has reneged on his undertakings

with respect to the peace accord. The Security Council could then support all legal or administrative procedures against the head of state and those close to him, such as visa restrictions and the freezing of foreign assets. Under no circumstances should the current head of state obtain leadership of the first half of the transitional period.

## **C. CONCLUDING THE NEGOTIATIONS ON POWER SHARING IN A NON-INCLUSIVE AND FINAL MANNER BY DRAFTING A TRANSITIONAL CONSTITUTION**

Following the appointment of the transitional leadership, a three-month period is largely sufficient for UPRONA and FRODEBU to formulate a transitional constitution resolving the problem of compatibility between the peace accord and 1992 constitution and drastically reducing the powers of the executive in order to entrust those powers to Parliament. A reconciliation period cannot be founded on an all-powerful executive. In addition, the only assurance against Pierre Buyoya hanging on to power indefinitely resides in partially depriving the head of state of the resources of political control and domination. In particular, this requires the exclusion of the Bururi oligarchy from all positions enabling accumulation and misappropriation of international funds. This would be the price for accepting Pierre Buyoya as transitional leader. That institutional safeguard would, in addition, protect the country from any temptation Domitien Ndayizeye may face to make the same mistakes. Clear procedures for administrative and political appointments, and for disbursement of international aid, must be clearly stated. Certain institutions that were established in order to divert national resources (coffee, tea) and international income flows must also be eliminated.

Instead of once again convening a meeting between the heads of state in Arusha, the mediation should convene a meeting of the main signatory parties in Pretoria for a dual series of negotiations. First, Nelson Mandela should negotiate the terms of the departure of Pierre Buyoya at the end of the first eighteen months of transition. The agreement will provide the necessary guarantees with respect to the national and international legal and political protection of the head of state and certain of those close to him.

The agreement will require the approval of the United Nations.

Secondly, the mediation should also ensure a meeting between UPRONA and FRODEBU to negotiate power sharing by drafting a transitional constitution. The mediation will guarantee the defence of the political interests of the other parties during those negotiations. The rebels' political representatives should be present as observers to enable them to express their wishes. UPRONA and FRODEBU will also have to review the method of operation of the Accord implementation and monitoring committee, so that the IMC is the guarantor of the spirit of Arusha, but also reflects the results of the Pretoria negotiations.

The results of the second series of negotiations should subsequently be presented to the Arusha accord signatory parties, who should decide whether or not to accept them. Those who agree will sign the Pretoria accord, complementary to the Arusha accord, and participate in the transitional institutions. The others should be excluded.

#### **D. CEASE-FIRE: CONFIRMING THE REPRESENTATIVENESS OF THE REBEL GROUPS AND OFFERING AN INCENTIVE TO STOP FIGHTING**

The fear of not benefiting from the future advantages of peace, together with the multiple threats of sanctions proffered by the region and international community, have persuaded certain rebel units to stop fighting. They also fear that their fate will be the same as the Rwandan Interahamwe militia and ex-FAR, namely that they will be definitively characterised as 'negative forces' and excluded from the negotiations on the reform of the security services.<sup>121</sup> Those units have therefore placed themselves in the position of awaiting repatriation, pending potential incorporation into the army or socio-professional reintegration.

Similarly, both during the Libreville process and the most recent South-African consultations between Vice President Zuma and the FNL, the leaders of the rebellion seem to want to follow the general trend of the negotiations, even if they

advance their own conditions. Seeking to impose conditions while escalating the violence is unacceptable. During the negotiations, incentives must be given to the partisans of peace, and not to the partisans of war. As the experience of progress in the Lusaka accord has shown, the leaders who show themselves to be the most harmful are not those that have a real interest in peace. Thus the rebel leaders must supply firm evidence of their support for the peace process and show that they are really representative of the forces present in the field, before looking to positions in the armed forces. If that is not done, the rebel leaders and all forces opposing the progress of the peace accord should be treated in a manner identical to that of the 'negative forces' defined under the Lusaka accord.

It is important for the international community to define, as of now, the conditions for financing reform of the army. Burundi cannot afford the luxury of two sets of negotiations in Arusha. If the rebel leaders do not wish to negotiate reform of the army, the facilitation may legitimately consider FRODEBU, the CNDD and FROLINA as the legitimate spokesmen of the rebels and entrust them with the task of identifying, conducting a census of, and representing the rebels who wish to lay down their arms and support the peace accord, with the assistance of the Tanzanian and Congolese governments.

At the same time, an incentive must be offered to the fighters who wish to lay down their arms and to the rebel leaders who have decided to support the peace process, by considering them preferred candidates for socio-professional reinsertion or incorporation in the future security forces. In the absence of a corresponding commitment from the leadership of the FDD and PALIPEHUTU-FNL, the region must undertake to facilitate contacts between the 'Forces du salut et du sauvetage national' and FRODEBU, the CNDD and FROLINA, so that the latter can effectively represent their interests in the course of the negotiations on the reform of the security forces. The negotiations must be initiated as soon as possible, irrespective of the result of the Libreville meetings.

With four months the rebels have sufficient time to provide evidence of their representativeness and support for the peace process. If they do not do so, the Congolese and Tanzanian governments should

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<sup>121</sup> ICG interview, contact with the deserters, Bujumbura, January 27, 28 and 29, 2001.

be technically and financially aided by the international community in order to neutralise the 'negative forces' refusing the peace accord, and identifying and associating the rebels who have decided to support the peace process, and to whom priority will be given for the reform of the armed forces. Under no circumstances, can implementation of the peace accord be postponed beyond August 28, 2001, i.e. the first anniversary of the signature of the Arusha accord.

#### **E. ELICITING MORE CONSTRUCTIVE INVOLVEMENT OF REGIONAL GOVERNMENTS**

A cease-fire cannot take place without the co-operation, support and joint efforts of the Congolese, Tanzanian, Rwandan and Ugandan governments and South-African mediation. Tanzania and the Democratic Republic of Congo have a particular role to play. There can be no peace in Burundi without their contribution. The presence of 380,000 refugees, mainly Hutus on Tanzanian soil, the sometimes contested role of the Tanzanian facilitation, and certain anti-Tutsi declarations from important members of the Tanzanian political class, maintain the permanent suspicion of the administration and security forces' complicity with the Hutu rebels.

However, any open condemnation of the Tanzanian government with reference to a situation in which that government does not hold all the keys is counterproductive. Condemnation would be liable to cause adverse reactions with respect to the Burundi peace process, and, hence, undoubtedly render it fragile. Subsequent to the death of Julius Nyerere, the first facilitator of the peace process, President Mkapa should be encouraged and helped to make the most productive contribution to settling the conflict, by affording the material conditions necessary to offer an incentive to those laying down their arms. The identification and association of the fighters prepared to support the peace process can only be conducted on Tanzanian soil and the international community should now set up the structure which will enable that end to be achieved, in co-operation with the Tanzanian government.

Similarly, just as the Congolese government's support is necessary for the neutralisation of the 'negative forces' scheduled by the Lusaka accord,

the same government's contribution will be indispensable to that provided for under the Pretoria accords. In that context, the support given by President Joseph Kabila to the Libreville process should be sustained and completed by his participation, as a regional observer, in the Pretoria accords. President Kabila should sign the final document. In exactly the same way, the unanimous support from the other countries involved in the Regional Initiative on Burundi is indispensable in order for the peace process to achieve its objectives. The signatory parties must not be able to play on regional divisions to weaken their adversaries and must be presented with a united front backing the solutions defined within the framework of the negotiations.

#### **F. HARMONISING THE TERMS OF THE ARUSHA AND LUSAKA PEACE PROCESSES**

Harmonisation of the Lusaka accord and the Burundi peace negotiations with respect to the status of the rebel forces is necessary. The Mandela team could appoint a liaison official for the two processes.

In any event, rebels who do not seize the opportunities offered by the Mandela mediation and the new Pretoria negotiations to achieve their political objectives are not interested in peace. Such rebels are either blinded by their ethnic chauvinism and spread the ideology of genocide, or have definitively become mercenaries. In both cases, such rebel forces are now completely divorced from the negotiated settlement of the Burundi conflict. In that case, the Pretoria negotiations must instigate definition of a 'negative forces' status for the Burundi peace process, comparable to that used in the Lusaka accords.

The 'negative forces' that find pretexts for refusing negotiations and continuing the fighting are to be dealt with in the context of a program of disarmament, demobilisation, repatriation and reintegration, and subjected, where appropriate, to legal proceedings for war crimes and crimes against humanity, with the active technical and financial support of the international community. In that context, it is essential for the United Nations Security Council to support that option and encourage its member states to mobilise, as of

now, to provide the assistance necessary for implementation of the DDDR program.

**G. RESUMING INTERNATIONAL AID TO ALLEVIATE SUFFERING AND REVIVE ECONOMIC PRODUCTION.**

Last, the resumption of international aid is an urgent necessity. The aid should focus first on alleviating the suffering of the people and reviving the national economy. Special attention should be paid to controlling the use of aid to minimise the risks of corruption, which has exploded in the country, and to supporting productive activities (agricultural production, food processing, etc.). The renewal of aid must be accompanied by structural reforms of the Burundian economy in order to ensure that the state, albeit in transition, can under no circumstances misappropriate farmers' revenues, as was the case in the past. The necessary liberalisation of agricultural distribution and the supply systems for consumer goods and derivative products must be accompanied by massive support for the educational and health-care sectors, without the exclusive control being left to the state's machinery. All of Burundi's population must directly experience the incentives for peace and change in governance, with the negotiations as the necessary outcome.

**IV. CONCLUSIONS**

Civil war is on Burundi's doorstep. The Burundi peace process is adrift. Without a rapid resumption of negotiations using a formula different from that of Arusha, providing an incentive for stopping fighting, it would be indecent for the international community to continue to finance implementation of the peace accord.

The facilitation team and the region as a whole cannot continue to press for accord implementation without assurances of compliance with its final results. To do so would be a betrayal of the people of Burundi. A radical change in the management of the peace process is therefore necessary, in order to provide assurances with respect to the short or medium term departure of Pierre Buyoya, enabling a transitional constitution to be drafted and enabling review of the way in which the IMC operates. In parallel, an incentive must be offered to the belligerents who support the negotiations, while those not doing so should be treated as 'negative forces' by the region and the international community. That result will require effort, assiduity, skill and determination. Those qualities are currently lacking in the Mandela facilitation. It is therefore urgent that an international negotiating team be formed to work full time on the Burundi dossier. It is also urgent for the Mandela facilitation to create a united regional and international front for resolution of the conflict. That is the price to be paid for peace. It is high time that all those supposed to be facilitating peace appreciate this.

## APPENDIX A

**TABLE 1: MANAGEMENT OF PUBLIC CORPORATIONS IN BURUNDI**

	<b>Public corporation</b>	<b>Chief executive</b>	<b>Year</b>	<b>Previous position/ training</b>	<b>Home province</b>	<b>Ethnic origin</b>
1	OTRACO	HAMENYIMANA Méline	1998	Director of the budget	Bururi	Tutsi
2	RSA	HAJAYANDI Joseph	1996	Pilot Mechanic	Bururi	Tutsi
3	ONATOUR	Mme HAMENYIMANA	1997	Director, MFP	Bururi	Tutsi
4	LNBTP	BIRABISHA Didace	1994	---	Bururi	Tutsi
5	APEE	BAKANIBONA Joseph	1997	Advisor	Bururi	Tutsi
6	REGIDESO	NIYONGABO Philippe	1996	Advisor	Bururi	Tutsi
7	ON TOURISME	NIMENYA Nicomède	1997	C.E.	Bururi	Tutsi
8	COTEBU	SINDAYIHEBURA Célestin	1996	ECODI	Bururi	Tutsi
9	VERRUNDI	SIMBARAKIYE Evariste	Closed	Minister	Bururi	Tutsi
10	CHU KAMENGE	GIKORO	1992	Physician	Bururi	Tutsi
11	OTB	NIMUBONA Salvator	1996	C.E.	Bururi	Tutsi
12	MUTUELLE FP	NKENGURUTSE Auguste	1997	Director, PASA	Bururi	Tutsi
13	INSS	NDIHOKUBWAYO Léonce	1999	Commander, ISCAM	Bururi	Tutsi
14	UNIVERSITE	NIYONGABO Térance	2000	Professor of medicine	Bururi	Tutsi
15	FPHU	NIYUNGECO Fidèle	1996	Ministerial principal private secretary	Bururi	Tutsi
16	ONAPHA	NTIBATEGANYA Nestor	1982	---	Bururi	Tutsi
17	PAFE	CISHAHAYO Gérard	1996	Advisor	Bururi	Tutsi
18	EPB	NTEZIRIBA Protais	1992	Director	Bururi	Tutsi

20	ONATEL	NDABIHORE Augustin	2000	Consultant	Mwaro	Tutsi
21	SOSUMO	BARUTWANAYO Numérien	2000	Customs	Ruyigi	Tutsi
22	RN POSTES	BAMBASI Pierre	1998	Minister	Muyinga	Hutu
23	RPP	BIZONGWAKO	1998	---	Ruyigi	Tutsi
24	LONA	NZEYIMANA Joseph	1996	Minister	Gitega	Tutsi
25	OCIBU	NIYIKIZA Barthélémy	1996	---	Kayanza	Hutu
26	CLINIQUE PLR	NZEYIMANA Tharcisse	---	Physician	Muramvya	Tutsi
27	HPRC	---	---	---	---	Tutsi
28	AIR BURUNDI	GATOTO	2000	Pilot	Muyinga	Tutsi
29	ECOSAT	---	2000	---	Buja Rural	Tutsi
30	COGERCO	KABURA François	1996	---	Makamba	Tutsi
31	SCEP	BANYANKIYE	1996	Secretary	Bujumbura	Tutsi
32	SOBUGEA	SIBOMANA Adrien	1994	Prime Minister	Muramvya	Hutu
33	SODECO	BAYAGANAKANDI Epitace	2000	Minister	Mwaro	Tutsi
34	ARCT	MISIGARO	2000	C.E.	Bururi	Tutsi
35	SETEMU	GIRIKWISHAKA V.	1999	Project director	Muramvya	Tutsi
36	INSP	Dr Martin	2000	Physician	Bururi	Tutsi
37	ENS	NDITIJE Charles	1999	Professor	Bururi	Hutu
38	ISCO	MAKOBERO Barthelemy	1997	Professor	Bururi	Tutsi

Source: 'La Lumière', No. 10, 20/01/01, p. 4.



## APPENDIX B

**TABLE 2: 'REGIONALISM IN THE ARMY: THE LAST BASTION'**

	<b>Name</b>	<b>Rank</b>	<b>Position</b>	<b>Home province</b>
1	NDAYIRUKIYE Cyrille	Colonel	Minister	Muramvya
2	Haziyo Serge	Major	Ministerial principal private secretary	Bururi
3	NIYUNGEKO Vincent	Major General	Chief of Staff, Army	Bururi
4	NDARYIYUMVIRE Salvator	Colonel	Chief of Staff, Gendarmerie	Mwaro
5	BARUTWANAYO	Major	Aide de Camp, Army	Bururi
6	NIYEREMA	Major	Aide de Camp, Gendarmerie	Bururi
7	NDAYISABA	Colonel	Director General, Operation and Intelligence	Bururi
8	CISHAHAYO	Colonel	Director General, Budget and Procurement	Bururi
9	GAHIRO	Colonel	Commander, 1 <sup>st</sup> military region	Bururi
10	BISANZAGI	Colonel	Commander, 3 <sup>rd</sup> military region	Bururi
11	NIYOYUNGURUZA	Colonel	Commander, 4 <sup>th</sup> military region	Bururi
12	BIJONYA	Colonel	Commander, 5 <sup>th</sup> military region	Bururi
13	NIYOYANKANA	Colonel	Commander, 2 <sup>nd</sup> military region	Gitega
14	BUJEJE	Colonel	G3	Bururi
15	NDIKURIYO	Colonel	G2	Bururi
16	NIYONKURU	Colonel	G1	Bururi
17	BANDYABANZI	Colonel	G5	Bururi
18	GATEFERI	Colonel	Transport Director, Army	Bururi

19	GAHUNGU	Major	Transmissions Director	Bururi
20	SINDAYIKENGERA	Lieutenant Colonel	G1 Gendarmerie	Bururi
21	NZOBONIMPA	Colonel	G2 Gendarmerie	Bururi
22	KARIMBANE	Colonel	G4 Gendarmerie	Bururi
23	JUMA	Colonel	Transport Director, MDN	Bururi
24	KIBATI	Colonel	Transport / Administration Director	Bururi
25	NIYONDAVYI	Major	Director of Health	Bururi
26	KARIMWAMI	Colonel	Director of Schools and Secondary Schools	Bururi
27	NDIKURIYO	Major	Director of Grants and Training Courses	Bururi
28	MINANI	Colonel	Director of Communication	Bururi
29	JUMA	Commander	Director of Physical Education / Sports	Bururi
30	NIBIZI	Colonel	Director General, Human Resources	Muramvya
31	NZABAMPEMA	Colonel	General Inspector	Muramvya
32	CISHAHAYO	Major	Director of the Budget	Muramvya
33	BANDONKEYE	Colonel	Director of Intelligence, MDN	Mwaro
34	KARIHANZE	Colonel	G4	Karuzi
35	CONGERE	Colonel	Director of Army Engineering	Muramvya
36	SINARINZI	Colonel	Director of Aviation	Gitega
37	NTIBANONOKA	Colonel	G3 Gendarmerie	Rural Buja

Source: 'La Lumière', No. 12, 15/03/01.

## APPENDIX C

### GLOSSARY

#### A. POLITICAL PARTIES AND ARMED MOVEMENTS\*

**ABASA:** Alliance Burundo-Africaine pour le Salut (Burundian-African alliance for salvation), created in 1993. President: T  rence Nsanze (external wing) and Serge Mukamarakiza (interior wing)

**ANADDE:** Alliance Nationale pour le Droit et le D  veloppement Economique (national alliance for law and economic development), created in 1993. President: Patrice Nsababaganwa

**AV-INTWARI:** 'Alliance des Vaillants' (alliance of the brave), created in 1993. President: Andr   Nkundikije

**CNDD:** Conseil National pour la D  fense de la D  mocratie (national council for defense of the democracy). Founded in 1994 by L  onard Nyangoma, one of the founders of FRODEBU; and minister of the interior of the Ntaryamira government. Chairman: L  onard Nyangoma

**FDD:** Forces pour la D  fense de la D  mocratie (forces for defense of democracy), the armed branch of the CNDD. The FDD are divided into the L  onard Nyangoma wing and the Jean-Bosco Ndayikengurukiye wing

**FNL:** Forces Nationales pour la Lib  ration (national forces for liberation), the armed branch of Palipehutu. The FNL were divided into the Etienne Karatasi branch and Cossan Kabura branch in 1992

**FRODEBU:** Front pour la D  mocratie au Burundi (front for democracy in Burundi). Officially recognized in 1992, the party won the first presidential election organized in Burundi in June 1993. FRODEBU is presided over by Jean Minani

(exterior wing) and Augustin Nzojibwami (interior wing)

**FROLINA:** Front pour la Lib  ration Nationale (front for national liberation), created in the eighties. President: Joseph Karumba

**INKINZO:** 'Le Bouclier' (the shield), created in 1993. President: Alphonse Rugambarara

**PALIPEHUTU:** Parti pour la Lib  ration du Peuple Hutu (party for the liberation of the Hutu people). President: Etienne Karatasi

**PARENA:** Parti pour le Redressement National (party for national recovery), created and presided over by Jean-Baptiste Bagaza, former President of Burundi in 1995

**PIT:** Parti Ind  pendant pour les Travailleurs (independent party for workers), created in 1993. The PIT is presided over by Etienne Nyahoza

**PL:** Parti Lib  ral (liberal party), created in 1993. The exterior wing is presided over by Ga  tan Nikobamye and the interior wing, by Joseph Ntidendereza

**PP:** Parti du Peuple (people's party), created in 1993. PP is presided over by Shadrack Niyonkuru (exterior wing) and S  verin Ndikumugongo (interior wing)

**PRP:** Parti pour la R  conciliation du Peuple (party for the reconciliation of the people), supporting return of the monarchy, created in 1992. The party is presided over by Mathias Hitimana (exterior wing) and Albert Girukwishaka (interior wing)

**PSD:** Parti pour la Socio-D  mocratie (party for social democracy), created in 1993 and presided over by Godefroid Hakizimana

**RADDES:** Rassemblement pour la D  mocratie, le D  veloppement Economique et Social (rally for democracy and economic and social development), created in 1993 and presided over by Joseph Nzeyimana

\* Under the law on political parties in Burundi, the presidents of political parties must remain in Burundi. Generally, the presidents of the parties known as 'interior wing' parties are recognized by the Ministry of the Interior.

**RPB:** Rassemblement pour le Peuple du Burundi (rally for the people of Burundi), created in 1993 and presided over by Philippe Nzobonariba (interior wing) and Balthazar Bigirimana (exterior wing)

**ULINA:** Union de Libération Nationale (union for national liberation), a coalition of rebel movements, created in 1996, presided over by Cossan Kabura, and which disappeared two years later due to internal dissensions

**UPRONA:** Union pour le Progrès National (national union for progress). A nationalist party created on the eve of independence in 1961 and directed by Prince Louis Rwagasore, hero of independence, assassinated in October 1961. UPRONA was the single party in Burundi from 1966 to 1993. The party has two wings: one is presided over by Charles Mukasi, and the other by Luc Rukingama, the current minister of communication

## **B. THE GROUPS G3, G7, G8, G10 AND G6**

**L'Alliance Nationale pour le Changement (A.NA.C.)** (national alliance for change): FRODEBU, PP, PARENA, SOJEDEM, S.E. Anatole Kanyenkiko, Honorable André Biha, Honorable Térance Nahimana. A.NA.C was created in December 1999

**La Convergence Nationale pour la Paix et la Réconciliation (CNPR)** (national convergence for peace and reconciliation): UPRONA, FRODEBU (interior wing), PSD, RADDES, INKINZO, PIT, ANADDE, ABASA (interior wing), and PL (interior wing). The CNPR was created in October 1999

**G3:** consisting of UPRONA, the government and the national assembly

**G7:** group for the 'Forces du Changement Démocratique' (forces of democratic change), formed by the parties largely or exclusively consisting in Hutus: FRODEBU (exterior wing), CNDD, PALIPEHUTU, FROLINA, PP, RPB and PL

**G8:** grouping all the formations known as 'small predominantly-Tutsi parties', namely: PARENA, PRP, AV-INTWARI, ABASA, PSD, INKINZO, ANADDE, and PIT

**G6:** G8 became G6 pursuant to the transitional leadership question. PARENA and ABASA do not support Epitace Bayaganakandi, the candidate designated for transitional leadership by the other six political parties in G8

**G10:** G8 became G10 until January 2001 pursuant to the cease-fire question. UPRONA and the government thus formed a front with small Tutsi parties to require cessation of hostilities before implementation of the accord. The coalition was nonetheless dissolved over the issue of the candidature of Epitace Bayaganakandi

## C. OTHER ACRONYMS

**AC Génocide 'Cirimoso': Action Contre le génocide 'Plus Jamais ça'** (action against genocide 'Never again') organizes meetings on the 21<sup>st</sup> of each month, in memory of the massacres of October 1993, following the assassination of President Ndadaye. The organization is presided over by Venant Bamboneyeho

**CSAA:** Commission de suivi et d'application de l'accord d'Arusha (Arusha accord implementation and monitoring committee (IMC)), presided over by the United Nations ambassador, Berhanu Dinka

**FPR:** Front Patriotique Rwandais (et Armée Patriotique Rwandaise) (Rwandan patriotic front (and Rwandan patriotic army)), created in December 1987

**JRR:** Jeunesse Révolutionnaire Rwagasore (Rwagasore revolutionary youth) (organization headed by UPRONA), created after independence and currently presided over by Bonaventure Gasutwa

**PA-Amasekanya:** Puissance d'Autodéfense 'Amasekanya' ('Amasekanya' self-defense power), a youth organization created in 1995, and directed by Diomède Rutamucero

**RCD:** Rassemblement Congolais pour la Démocratie (Congolese rally for democracy), a Congolese rebel movement, created in August 1998

**SMO:** Service Militaire Obligatoire (obligatory military service) for secondary school pupils in Burundi

**SOJEDEM:** Solidarité de la Jeunesse pour la Défense des Minorités (youth solidarity for the defense of minorities), created at end 1993, and directed by Déo Niyonzi

## **APPENDIX D**

### **ABOUT THE INTERNATIONAL CRISIS GROUP**

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

ICG's approach is grounded in field research. Teams of political analysts, based on the ground in countries at risk of conflict, gather information from a wide range of sources, assess local conditions and produce regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports are distributed widely to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's internet site, [www.crisisweb.org](http://www.crisisweb.org). ICG works closely with governments and those who influence them, including the media, to highlight its crisis analysis and to generate support for its policy prescriptions. The ICG Board - which includes prominent figures from the fields of politics, diplomacy, business and the media - is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; former Australian Foreign Minister Gareth Evans has been President and Chief Executive since January 2000.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris. The organisation currently operates or is planning field projects in nineteen crisis-affected countries and regions across four continents: Algeria, Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone, Sudan and Zimbabwe in Africa; Burma/Myanmar, Indonesia, Kyrgyzstan, Tajikistan, and Uzbekistan in Asia; Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia in Europe; and Colombia in Latin America.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Canada, Denmark, Finland, France, Germany, Japan, Luxembourg, the Netherlands, Norway, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom. Foundation and private sector donors include the Ansary Foundation, the William and Flora Hewlett Foundation, the Charles Stewart Mott Foundation, the Open Society Institute, the Ploughshares Fund, the Sasakawa Foundation, the Smith Richardson Foundation, the Ford Foundation and the U.S. Institute of Peace.

**July 2001**

## APPENDIX E

### ICG REPORTS AND BRIEFING PAPERS\*

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#### AFRICA

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##### ALGERIA

*Algeria: The Press in Crisis*, Africa Report N°8, 11 January 1999

*Algérie: La Crise de la Presse*, Africa Report N°8, 11 January 1999

*The People's National Assembly*, Africa Report N°10, 16 February 1999

*Assemblée Populaire Nationale: 18 Mois de Législature*, Africa Report N°10 16 February 1999

*Elections Présidentielles en Algérie: Les Enjeux et les Perspectives*, Africa Report N°12, 13 April 1999

*The Algerian Crisis: Not Over Yet*, Africa Report N°24, 20 October 2000

*La Crise Algérienne n'est pas finie*, Africa Report N°24, 20 October 2000

*La concorde civile : Une initiative de paix manquée*, Africa Report N°24, 9 juillet 2001

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