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Burundi: The Causes of the Conflict and its Development

Quite often when authors write on the Burundi conflict there is a tendency to cover the ongoing situation from the October 1993 coup d'état against President Melchior Ndadaye and the FRODEBU. That is, to talk about the overthrown president and the Burundian political party that won the 1993 first democratic elections the country had ever known. But the truth is unhappily a different story altogether.

Burundi has been torn apart since its independence in 1962. Some will label the conflict as being ethnic, while others will state that it is a political conflict, as it is a form of competition to get control of the state, while a third party still will explain that that competition is regional, that it is a fight between the southern province of Bururi and the rest of the country. But the truth is probably to be found at a different level: All definitions of the cleavages within Burundi are without doubt valid, but often put forward by the authors of the fight according to their interests and objectives. That is, that all excuses and devising elements are used according to the issues at stake, and often only give a partial insight to the conflict and its evolution through the last forty years.

The 1 July 1962 “failed” Independence

One must not forget that unlike most African states, Burundi and Rwanda were not an artificial creation of the colonial power. When German East Africa absorbed them in 1899, they had been organised kingdoms for centuries, belatedly forced to open their borders to European intrusion. When, in 1916, Belgium occupied Rwanda-Burundi, it continued the system of “indirect rule“ operated by the Germans. This choice of colonial policy had a particular impact, as the ethnic minority of Tutsi had long been dominant. Unlike the situation in Rwanda, however, the potential for conflict between Hutus and Tutsi was contained by the existence of the “ganwa”, an intermediate princely class between the “mwami” (king) and the population. The mwami and ganwa stood apart from the Tutsi masses, who, in turn, comprised two main groups, the “Banyaruguru” and the “Hima”. Relations between the ordinary Tutsi and the Hutus were on an equal footing, and intermarriage was common.

The exercise of its perceived duties under the League of Nations mandate led to disruptive interventions by Belgium in Burundi's social and political system.¹ However, to fulfil the criteria imposed by the UN Trusteeship Council after 1948, the Belgian administration moved towards some degree of democratisation. Two main parties came to the fore. The Union pour le Progrès National (UPRONA), led by Prince Louis Rwagasore (the eldest son of the mwami), was a nationalist movement, aiming to unite all groups and interests. The rival Parti Démocrate Chrétien (PDC) was more conservative and maintained cordial links with the Belgian administration. Old rivalries between ganwa lineages also opposed these parties. Prince Louis Rwagasore was a Mwezi and PDC leaders Baranyanka and Ntidendereza being Batare (Batare, plural of Mutare). At legislative elections held in September 1961 to proceed the granting of internal self-government in January 1962, UPRONA won 58 of the 64 seats in

¹ J. Gahama, *Le Burundi sous administration belge*, Paris, Karthala, 1983.

the new National Assembly. Louis Rwagasore, who became Prime Minister, was murdered three weeks later by a hit-man acting for the PDC. His death was to prove a crucial event in the subsequent political history of Burundi, as the absence of his unifying influence was to lead to the division of UPRONA and to the emergence of open conflict between Hutu and Tutsi.²

From the start UPRONA proved unable to contain the ethnic tensions that followed the attainment of independence on July 1st 1962. The monarchy emerged as the only source of legitimacy to which both Hutu and Tutsi could relate to in any meaningful manner. In order to consolidate his own position, the mwami, Mwambutsa IV, sought to ensure a proper balancing of ethnic interests in government. Four governments held office during 1963-5, each comprising an almost equal proportion of Hutu and Tutsi. Tensions reached a climax when the Hutu Prime Minister, Pierre Ngendadumwe, was murdered in January 1965, only a week after taking office. The ensuing political crisis was resolved by a clear Hutu victory at parliamentary elections held in May. Mwambutsa nevertheless appointed a *ganwa* as the new Prime Minister. Incensed by this and by other actions taken by the mwami, a faction of the Hutu-dominated "Gendarmerie" attempted to seize power in October. The repression after this abortive coup was extremely violent: Virtually the entire Hutu political elite was massacred, together with thousands of rurally based Hutu who were supposed to have supported the revolt. These events effectively ended any significant participation of the Hutu in Burundi's political life right up to the 1993 elections.³

In July 1966 Mwambutsa was overthrown by his son, Ntare V. He appointed Lieutenant-General Michel Micombero as Prime Minister. In November, Ntare himself was deposed by Micombero, who declared Burundi a republic. With the abolition of the monarchy, the most important stabilising element in the political system was removed, subsequent purges of Hutu officers and politicians further consolidated Tutsi supremacy, as well as the establishment of the supremacy of Tutsi-Hima elite from the province of Bururi.

The First Massive Killings and the Second Coup

Following a violent attempt of insurrection by exiled Hutu in April 1972, during which between 2,000 and 3,000 Tutsi were murdered, massacres of unprecedented magnitude and brutality were carried out by the Burundian army and the youth group of the UPRONA. An estimated 100,000-200,000 Hutu were killed, and a further 300,000 had to seek refuge outside of the country, mainly in Zaire, Tanzania and Rwanda. Virtually all Hutu elements were eliminated from the armed forces.⁴ This violent episode has been a major marker in Burundian contemporary history, and it still provides a crucial point of reference for the two main ethnic groups today. For the Hutu, it is a proof of the existence of an organised plan nurtured by extremist Tutsi; for the Tutsi, the fear that the majority threatens to exterminate the minority is felt. The events of 1972 also deepened a culture of impunity for such acts, as in fact no one was prosecuted and punished for massive human rights violations as anything is possible without fear of prosecution by either the national judicial system or the international community.

² R. Lemarchand, *Burundi: Ethnic Conflict and Genocide*, Cambridge, Cambridge University Press, 1994.

³ S. Ntibantunganya, *Une démocratie pour tous les Burundais*, (2 tomes), Paris, l'Harmattan, 1999.

⁴ R. Lemarchand, *Selective Genocide in Burundi*, London, Minority Rights Group, Report no. 20, July 1974.

In November 1976 Colonel Jean Baptiste Bagaza, like Michel Micombero a Tutsi-Hima from the Bururi province, seized power in a bloodless coup. Although the army remained a significant force, attempts at developing civilian institutions were made by the Bagaza regime. A new Constitution was adopted by referendum in November 1981. It provided for a National Assembly to be elected by universal adult suffrage, and the first elections were held in October 1982. Having been re-elected president of the UPRONA in July 1984, Jean-Baptiste Bagaza was elected head of state in August and for the first time by direct suffrage, winning 99.63 % of the votes cast. One must not forget that Bagaza was the sole candidate.

During the period 1984-87 the political situation deteriorated rapidly. Bagaza's regime got into intense conflict with several Christian Churches. At the same time the number of political prisoners rose considerably and it included members of Churches accused of criticising government restrictions on religious activities, as well as people suspected of involvement in Hutu opposition groups. Many detainees were subject to torture.⁵ This intensification of authoritarian rule led to strained relations with a number of donor countries, which sought to bring pressure on President Bagaza by withholding substantial amounts of development aid. Although Hutu rebel movements had been created in the past (the first one was the Mouvement de Libération des Bahutu - MOLIBA in 1965), they were politically divided and geographically dispersed, and thus were no serious threat to the successive military regimes. However, the authoritarian drift of the Bagaza years offered the context for the first structuring of the refugee movement. In April 1980, Rémy Gahutu founded the PALIPEHUTU (Parti pour la Libération du Peuple Hutu) in Tanzania; some time later, FROLINA (Front pour la Libération Nationale) was created by Joseph Karumba in Kigoma, Tanzania.

On September 3rd 1987, during a visit to Canada for the Francophonie Summit, Bagaza was deposed by an army-led coup, instigated by Major Pierre Buyoya, a close associate who accused the former president of corruption. The 1981 Constitution was suspended and Pierre Buyoya was sworn in as president, at the head of a new 20-member government.

“La Baule Conference“ effect on Burundi

Apart from the adoption of a more liberal approach to the issue of religious freedoms, initially the new regime did not differ significantly from that of Jean Baptiste Bagaza. It remained dependant upon the support of a small Tutsi-Hima elite, who dominated the army, the civil service, the judiciary and educational institutions. Although Pierre Buyoya emphasised a desire for “approaching the communities“ and released hundreds of political prisoners, it was clear that the major challenge facing the new leadership, as had been the case with Bagaza's regime, was the claim by Hutu majority for fuller participation in public life. The reins of power remained firmly in the hands of the minority Tutsi elite, and Hutus continued to be the victims of discrimination and prosecution.

New violence erupted in August 1988, less than a year after Buyoya came to power. In a tense situation, caused by numerous rumours and fears of a “new 1972“, on which PALIPEHUTU capitalised, several hundred Tutsi were killed and many more had to flee. During an operation aimed at “restoring order“ the armed forces randomly killed thousands of unarmed Hutu

⁵ Amnesty International, Background briefing on Amnesty International's concerns in Burundi, May 1986.

civilians in several northern communes, Ntega and Marangara in particular. The death toll may have been as high as 20,000, while another 60,000 Hutus fled to neighbouring Rwanda.⁶

Although initially the reactions of the authorities did not differ much from those in the past, these dramatic events led to the start of a new policy. “Encouraged“ by a great deal of pressure from abroad, Pierre Buyoya realised that the cycle of ethnic violence had to be broken, and he initiated a programme of reform. His first two actions were of considerable psychological value. In October 1988, Pierre Buyoya set up a “National Commission to Study the Question of National Unity“, comprising 12 Hutu and 12 Tutsi, and later that month he appointed a Hutu, Adrien Sibomana as prime minister, while at the same time a cabinet was created where both Hutu and Tutsi held an equal number of portfolios. Although these measures were considered as cosmetic to a certain extent, they were the beginning of a profound dynamic of change.

In April 1989 the National Commission published its report which, while inadequate in many respects, initiated a public debate that was to lead to the drafting of a “charter of National Unity“. For this purpose many conferences/debates on “unity“ were organised both in towns and in the countryside. Freedom of expression was considerable and the low profile of the powerful State Security Bureau at this time contributed to the emergence of a climate favourable to debate and reflection. The Charter was published as a draft in April 1990 and, after a new round of consultations, was approved by referendum in February 1991.

Assessing the situation beyond declarations, texts and reports, the progress made between late 1988 and early 1991 was more than obvious. At the political level, many Hutu entered the state apparatus: At the end of 1990, half the cabinet, a sizeable number of provincial governors and mayors, and even the secretary-general of the UPRONA party were of Hutu origin. Furthermore, they were equally represented with Tutsi in all major state bodies of a political nature. A marked improvement took place within education and the civil service, where up to 1991 the higher echelons were a monopoly of Tutsi. Nevertheless, one key sector remained problematic: the army. Since 1965 the security forces had become nearly exclusively Tutsi and the different coup attempts in February 1989 and March 1992, and the way some units misbehaved in November 1991 proved that Pierre Buyoya’s message of reconciliation was not being heard within the army.

The initial steps towards democracy

Initiated in a single-party context, the process of reform was to continue in quite a different environment when the „winds of change“ started to blow over Africa in the early 1990s. Indeed, when in the past Burundi had returned to constitutional government after a period of military rule, this had only happened in a tightly controlled way, with UPRONA acting, together with the army, as the guarantor of Tutsi hegemony. Like many African leaders before him, Pierre Buyoya was eventually forced into accepting the introduction of multi-party democracy, with all the dangers it entailed for his efforts at ethnic reconciliation. Many feared that ethnic voting in a competitive multi-party system was too difficult to control and would result in the winning of a total Hutu majority.

⁶ J.-P. Chrétien, A. Guichaoua, G. Le Jeune, *La crise d'août 1988 au Burundi*, Paris, CRA, 1989. Amnesty International Report, *Burundi: Killings of Children by Government Troops*, October 1988.

When the Constitutional Commission started its work in April 1991, right after the approval of the Charter of National Unity, this concern was ever-present in the minds of its members. As a consequence, the report published in August 1991 and the Constitution approved by referendum in March 1992 are very good documents. Certainly no other country's constitutional engineering has resulted in such an insistence on the need for "a spirit of national unity". Formulated as a principle in as many as 12 articles, this objective was made operational by the obligation in several fields to take account of the "diverse component parts of the Burundian population", a reference to the ethnic groups and, to a lesser extent, to the regions.⁷

After the promulgation of the law on political parties in April 1992, the practice of multi-partyism started. Although the recognition of parties was subject to strict conditions – which meant that some organisations, were forced to change their programmes, and even their names – seven opposition parties were operating legally by the end of the year.⁸

During 1992-93, the government declined to set up a transitional regime or to hold a national conference as elsewhere in French-speaking Africa.⁹ But, despite some incidents and accusations that UPRONA was taking undue advantage of its position as the former single party, the country moved quite smoothly towards the electoral process. Although the opposition parties insisted on a later date, President Buyoya, who mistakenly believed he would win early elections, announced in early 1993 that the presidential elections were to take place on 1 June, followed by National Assembly elections on 29 June 1993.

The 1993 Presidential and Legislative Elections

Within these elections two realities emerged right away. First, it was clear that the contest was to be very much a two-party affair. The Front Démocratique du Burundi (FRODEBU) emerged as the only significant opponent to the well-entrenched UPRONA because of its successful nation-wide recruitment campaign and because of its organisation, the commitment of its members and the undeniable charisma of its leader Melchior Ndadaye. In addition, many sympathisers of the outlawed PALIPEHUTU saw the FRODEBU as a valid legal alternative to further Hutu demands. This led to the second reality: Starting at the end of 1992, the salience of ethnicity as a major electoral element emerged with increasing clarity; after realising the considerable ground the new party was gaining, UPRONA embarked on a campaign which attempted to discredit FRODEBU by accusing it of being an ethnic organisation of Hutus, and the legal arm of the PALIPEHUTU.

Three presidential candidates were put forward to the electorate, the incumbent Pierre Buyoya representing the UPRONA and the Rassemblement Démocratique pour le Développement Economique et Social (RADDES), a small satellite organisation. The main challenger was Melchior Ndadaye of the FRODEBU who ran on a common ticket for the Parti du Peuple (PP), the Parti Libéral (PL) and the Rassemblement du Peuple Burundais (RPB). The final

⁷ F. Reyntjens, „L'ingénierie de l'unité nationale: quelques singularités de la constitution burundais de 1992”, *Politique Africaine*, no. 47, Octobre 1992, pp. 141-6.

⁸ Parties considered to be violating the Charter of National Unity and accused of waging guerilla attacks were refused recognition.

⁹ C. Santiso, "National Conferences on Francophone Africa", in *Democracy and Deep-Rooted Conflict: Options for Negotiators*, Stockholm, International IDEA, 1998.

contender was Pierre-Claver Sendegeya, a clear outsider, who was proposed by the royalist party Parti pour la Reconciliation du Peuple (PRP).

The election took place on 1 June and was monitored by over 100 foreign and 1,000 national observers. Apart from a number of minor technical problems, the operation was conducted in a fair manner. Of course a clear line has to be drawn between the honest running of the elections and the result, which surprised many observers. Indeed, Melchior Ndadaye (who got 64.75 % of the vote) decisively beat Pierre Buyoya (32.39 %). As was to be expected, Pierre-Claver Sendegeya got 1.44 % of the vote and was never in the picture. The turnout was a massive 97.3 % of registered voters, a clear sign of the interest of Burundians in their first opportunity ever to determine who should be their president.

The picture, which emerged at the legislative elections, was even clearer. Of the 10 recognised parties, only six eventually submitted lists of candidates to the electorate. Overall, 71.4 % voted for the FRODEBU as against 21.43 % for the UPRONA. Of the four other participating parties – the PRP, RADDES, the PP and the RPB – none reached a 2 % nationwide or even came close to winning a seat.¹⁰

Since Burundi had a system of proportional representation, the distribution of seats in the National Assembly was determined by the percentage of votes cast in favour of each party, the only distortions being those resulting from the reallocation of votes from parties that obtained no seats, as well as those caused by unmarked or spoiled ballots. Since seats were apportioned to provinces in terms of their relative demographic weight (roughly one seat for 70,000 inhabitants), they ranged from nine for Gitega to two for Cankuzo. As a result the composition of the National Assembly in July 1993 was that out of a total of 81 seats, FRODEBU obtained 65 and UPRONA 16.

At a constitutional level, changes within the Burundian Constitution could only be made if approved by a vote of four-fifths of the 81 deputies, and the FRODEBU had an overwhelming majority well over the 80 % required. In ethnic terms, the breakdown of the National Assembly was as follows: 69 Hutu and 12 Tutsi. Of the latter, eight were FRODEBU and four were UPRONA, which meant that about 12 % of FRODEBU's members were Tutsi, compared to 25 % of UPRONA's. A major implication of the ethnic breakdown was that, even across party lines, the Tutsi did not have a blocking minority of 20 %, should they feel that a proposed constitutional amendment threatened their interest.¹¹

The new regime was inaugurated on 10 July 1993, but the period of grace was very short. It was immediately faced with considerable problems: The massive return of refugees, the delicate balancing of the administration, the hostility of both the public and private media, the inertia and even sabotage of members of the army, the civil service and the judiciary close to UPRONA, and the control of the economy by an ousted elite. With the accession of the FRODEBU to power, the return of Hutu refugees suddenly accelerated in a new political context, which started summary methods of land dispute settlements. The large influx of refugees overloaded the system and, in practice, the local authorities had to settle land claims. This not only led to the eviction without due process of people long settled on the refugees

¹⁰ Article 104 of the 1992 Constitution states as follows: "Candidates presented by political parties may not be considered as elected and may sit in the National Assembly only if their party receives a total of at least 5% or more of the votes cast at the national level".

¹¹ F. Reyntjens, *The proof of the pudding is in the eating: the June 1993 elections in Burundi*, *Journal of Modern African Studies*, vol. 31, no. 4, 1993, pp. 563-83.

properties, but also to instances of usurpation of land and the challenging of established tenure.

In a country like Burundi, where paid employment is scarce access to the civil service is always a delicate political issue. But two elements further inflamed this issue in Burundi. On the one hand, the new government had a legitimate interest in balancing an administration, which was closely linked to UPRONA and in which Tutsi held a disproportionate share of posts. Although there undeniably was some handing out of spoils to the winning camp, the new government also had good reasons to doubt the loyalty of a civil service, which it suspected of resistance and even sabotage. On the other hand, a number of returning refugees had professional expertise, which the regime needed to put to use. This being said, clearly a policy of increasing “FRODEBization” resulted in the failure to comply fully with certain recruitment rules.¹²

In the economic field too, the government inherited a situation requiring careful handling. While the Burundian tradition is one of state control, structural adjustment required the implementation of a privatisation policy. However, many leaders in private business came from the public sector, and of course they were almost all Tutsi. For the new government, therefore, there was a real risk that the privatisation programme would allow the “barons” of the former regimes to transform their past political power into a new economic power. Under these circumstances it is understandable why the government wished to re-examine the conditions of privatisation.

Clearly the transition was painful during the first three months of the new regime. The desire of the government to acquire the means to implement its policies was legitimate, but it met with a great deal of inertia and resistance, and gave rise to excesses. In fact, President Ndadaye was caught in a dilemma Pierre Buyoya had also experienced: for some he was going too far too quickly, for others progress was too slow and did not meet expectations. This was inevitable after a long period of monolithic and authoritarian power. Acts of political or simply criminal violence, insecurity of land tenure and the attendant tensions increasingly upset the groups privileged under the former regimes. And even if they were a small minority, they still did hold the monopoly of the force as was to be realised on 21 October 1993.

The 21 October 1993 Coup d’Etat

During the night of 20-21 October 1993, several units of the army staged a coup d’etat. President Melchior Ndadaye, the speaker and the deputy of the National Assembly and a few of Ndadaye’s close associates were assassinated. There was a power vacuum. The government went into hiding in the French embassy, stating that it did not trust the army and that only an international military force could guarantee its security. The army, while it had been claiming since 23 October that it had obeyed the constitutional authorities, in fact continued to operate outside of the law, and rejected any form of foreign intervention. The power vacuum had two consequences: On the one hand, for several weeks the civilian authorities were unable to take control of large parts of the country and to engage in a campaign of restoring peace and order. This undoubtedly contributed to the violence, which overwhelmed the country on a massive scale. On the other hand, this situation allowed certain

¹² Déo Hakizimana illustrates this problem very well in his autobiography: *Le temps Mandela au Burundi: ce que j’ai compris*, Genève, Editions Remesha, 2001.

political forces of the opposition – with the help of the army – to implement a “creeping coup” as the initial formal coup collapsed.

As the coup unfolded in Bujumbura, violence erupted in the provinces. In many places, resistance to the army and reprisals against Tutsi and even Hutu belonging to the UPRONA were immediately organised by local authorities, while in other places, the violence was carried out spontaneously. The population started blocking roads and cutting bridges in order to prevent the army from moving into the countryside. Indeed, people knew from experience that “restoration of order” by the Burundian army tends to be violent and costly in terms of human lives. In many places, the Hutu population, often under the command of FRODEBU local authorities, started arresting Tutsi and UPRONA militants. While some were killed immediately, others were initially kept hostage; a large number were executed as soon as the news of Melchior Ndadaye’s death was announced. Elsewhere, both the army and local Tutsi embarked on a killing spree, attacking Hutu and FRODEBU members without provocation.

Apart from the killings, the violence also caused huge population movements of different kinds. About 700,000 people, mainly Hutu, fled to neighbouring countries (400,000 to Rwanda, 250,000 to Tanzania, 60,000 to Zaire). In addition, two types of internal population flows affected many hundreds of thousands: On the one hand people referred to as „displaced persons”, i.e. Tutsi, gathered in military installations, health units and administrative centres under the protection of the army, on the other hand, “dispersed persons”, i.e. Hutu, hid in the bush and swamps, which some left during the day to work in their fields. In many places, Burundi resembled a leopard skin, with patches of concentrated Tutsi, “surrounded” by dispersed Hutu. This *de facto* segregation was to be further accentuated when ethnic cleansing against Hutu started in Bujumbura in early 1994. Under the guise of “disarmament operations”, Hutu suburbs like Kamenge, Kinama, Cibitoke and Gasenyi were targeted by the army and radical Tutsi militia: hundreds were killed and many thousands fled to neighbouring Zaire.

As the coup formally collapsed in the face of its rejection both internationally and at home, the conspirators were forced to devise other, more covert and subtle ways of controlling the political situation. This was the beginning of a “creeping coup” perpetrated by a coalition of the army and opposition forces. It was eventually to become one of the „most successful failed coups” known to mankind. The strategy deployed included attempts to destroy the legitimacy of FRODEBU by accusing it of being responsible for the planned genocide of the Tutsi; the use of the Constitutional Court to paralyse the presidency and the National Assembly; the unleashing of urban and rural violence with the complicity of the armed forces and the physical intimidation of FRODEBU officials, thus making the running of the state increasingly difficult. And finally, the imposition of a *de facto* constitutional order which in effect consolidated the achievement of the coup. This strategy increasingly radicalised political life and progressively handicapped the search for a peaceful solution, right up to the **first peace initiatives** in April and June 1996.¹³ Of course in the meantime, Burundi will suffer another coup d’état that will finally bring back President Pierre Buyoya to power as the providential man who is to reincarnate “the bringing back of democracy for the second time”.

When, on 25 July 1996, the army staged a new **coup** and restored former President Pierre Buyoya to power, this proved that the Convention of Government, negotiated under such difficult circumstances, rather than bringing stability, resulted in a total paralysis of the

¹³ See. F. Reyntjens, *Burundi: Breaking the Cycle of Violence*, London, Minority Rights Group, March 1995.

institutions of the country. Following the June 1996 coup, the reaction within the region was to impose an embargo on Burundi, so as to force Pierre Buyoya's government to move towards negotiations. All during the year 1997 discreet meetings and negotiations were held in Burundi and elsewhere on the African Continent and Europe. However, when the former Tanzanian President Julius Kampeye Nyerere, who was entrusted with a mediation mission by the regional leaders, called for a first meeting on 25 August 1997 in Arusha, the Burundi Government refused to participate but it was gradually drawn in as all other forces across the political scene were present.

The Burundi Peace Negotiations in Arusha (Tanzania) June 1998 – August 2000

The Burundi Peace Initiative had already begun before the 25 June 1996 coup. There had already been the "Mwanza I" and "Mwanza II" meetings (22-25 April 1996, 3-9 June 1996) between the UPRONA and the FRODEBU. These two initiatives did not lead far, and finally broke down.

The St. Egidio Community in Rome took up another initiative during August 1997, a year after the June 1996 coup. On this occasion Pierre Buyoya's Government met with the Conseil National pour la Défense de la Démocratie (CNDD) and the armed wing of this group created in June 1994, Forces pour la Défense de la Démocratie (FDD), but nothing much was obtained.

Finally, the year 1998 saw the actual beginning of the Arusha negotiations. During the process there were 11 summit meetings of the regions' Heads of State and Government beginning with the first summit of June 25, 1996 through to the 12th Arusha summit of August 28, 2000.

The Burundi Peace Negotiations All-Party talks that started on 21 June 1998 and which are referred to as Arusha I through to Arusha V consisted of All-Party Plenary Sessions, Committee Sessions and Intersessional Consultations. All sessions took place at the Arusha International Conference Centre (AICC). It also included informal consultations in plenary and at committee level.

The All-Party Talks - June 1998-August 2000

The first session of the All-Party Talks began on 21 June 1998. A "Declaration by the Participants in the Burundi Peace Negotiations involving all the parties to the Burundi conflict" was signed by the Government of Burundi, the National Assembly and 15 political parties¹⁴ and representatives from civil society organisations including the Chamber of Commerce, women's and youth associations.

¹⁴ There parties were the following: Assemblée nationale, l'Alliance Burundo-Africaine pour le Salut (ABASA), l'Alliance des Vaillants (Av-Intwari), le Conseil National pour la Défense de la Démocratie (CNDD), le Front pour la Démocratie (FRODEBU), le Front pour la Libération Nationale (FROLINA), le Parti Socialiste et Panafricaniste (Inkinzo), le Parti pour le Redressement National (PARENA), le Parti pour la Libération du Peuple Hutu (PALIPEHUTU), le Parti Indépendant pour les Travailleurs (PIT), le Parti Libéral (PL), le Parti du Peuple (PP), le Parti pour la Réconciliation du Peuple (PRP), le Parti Social-Démocrate (PSD), le Rassemblement du Peuple Burundais (RPB), et l'Union pour le Progrès National (UPRONA). Two parties joined the

The signatories committed themselves:

“to engage in serious negotiations until we reach a just and lasting solution to this crisis in our country to resolve the Burundi conflict through peaceful means, and to put an end to all forms of violence, and accordingly, all parties to the conflict declare a suspension of hostilities to take effect not later than 20 July 1998”.

The Declaration also decided on the following issues for negotiations: Nature of the Conflict in Burundi and problems of genocide and exclusion and their solutions; Democracy and good governance; constitutional arrangements; questions of justice and the fight against immunity, judiciary, system of administration and transitional institutions; Peace and security for all; Issues of public security and defence, cessation of hostilities, permanent cease-fire arrangements; Rehabilitation and resettlement of refugees and displaced persons, economic and social reconstruction and development; Guarantees on implementation of the agreement emanating from the Burundi Peace Negotiations.

It also decided to establish five committees, one to deal with each of the five issues¹⁵:

- Committee I: The Nature of the Conflict, Problems of Genocide and Exclusion and their Solutions
- Committee II: Democracy and Good Governance
- Committee III: Peace and Security for All
- Committee IV: Reconstruction and Development
- Committee V: Guarantees on the Implementation of the Agreement

Arusha II

True to the spirit of the undertaking to return to Arusha, the second session started on July 20, 1998. That session achieved progress on agreement on the Rules of Procedure that were to guide the conduct and the proceedings of the peace negotiations. The rules, regulations, procedures and code of conduct were defined and laid down by the Burundis themselves.

Important aspects of the Rules of Procedure included the definition of who were to be parties to the peace negotiations, the procedures for admission of new parties either as full participants or as observers, the methods of arriving at decisions and the code of conduct. Another provision was that decisions in all meetings were to be arrived at by consensus. It was decided that the major themes and their sub-themes would be discussed in plenary general debates before being referred to the respective committees for further analysis. It was also decided that during the general debates every delegation would be given an opportunity to speak on each issue and that the committees would report to the plenary their conclusions and recommendations for consideration and final approval.

Arusha III

negotiations at later dates: l'Alliance Nationale pour le Droit et le Développement (ANADDE), and le Ralliement pour la Démocratie et le Développement Economique et Social (RADDES).

¹⁵ Committees I-IV were to be established immediately and Committee V at a later stage of the negotiations.

The session began in October 1998. Its main activities included the continuation of the plenary meeting on the general debate “Democracy and Good Governance” and “Peace and Security for All”. All 18 delegates of the parties to the Burundi conflict contributed to the debate on both issues. Former Presidents Sylvestre Ntibantunganya and Jean-Baptiste Bagaza also contributed to it. The plenary approved the proposals by the Facilitator for the Chairpersons and Vice-Chairpersons of the four committees. The representatives of the parties to the first, second and third committees were decided upon. Each committee drew up its agenda and worked independently of the other committees, but always remained in regular consultation with the Facilitator, who also had at least one member of his team in each of the committees.

The December 1998 committee sessions gave the Burundian negotiators and opportunity to define the *modus operandi* and strategies considered most appropriate to enable them to resolve the issues identified as the agenda of their negotiations.

Formal work of the committees started January 1999. The first and second committees met during the third session. Their major activity was to agree on the approach and methodology to be adopted during their deliberations. It was, for example, agreed that in addition to the material from the input by the delegates during the debate, committee work would be enriched by input from other sources. Throughout the course of the negotiations seminars were conducted for the benefit of the negotiators on issues such as negotiation and reconciliation techniques, United Nations peacekeeping operations, gender issues in post-conflict situations and transitional arrangements.

Arusha IV

This session began in January 1999 with the 7th Regional Heads of State Summit and a plenary general debate on “Rehabilitation and Resettlement of Refugees and Displaced Persons, Economic and Social Reconstruction and Development”. On the occasion of this Summit, after clear evidence that the Burundi government was irreversibly committed to continuing to participate in the Arusha negotiations, sanctions were suspended on 23 January 1999. Meetings of all four committees followed.

Consultations Session

At the closing of the July 1999 session of the committee meetings of Arusha IV, the Facilitator informed the plenary that he would be conducting interim activities and consultations prior to convening the next session which was scheduled to begin on 6 September 1999. There were many inter-sessional activities including special envoy visits to Burundi. The consultations that took place in Dar Es Salaam were another inter-sessional activity. Throughout the process the Facilitation called some groups for consultation on specific issues based on the submissions regarding their various positions. The purpose of these consultations was twofold:

- a) To take the delegations through their submissions and ask them to make clarifications on specific issues that were ambiguous.
- b) To work towards compromises and try and see if they could start thinking about harmonising the positions on which there were a disagreement in order to speed up the process.

8th Regional Heads of State Summit

Following the death of the first Facilitator of the Burundi Peace Negotiations, Mwalimu Julius Nyerere on 14 October 1999 the 8th Regional Summit on Burundi was held on 1 December 1999. At this session H. E. Mr Nelson Mandela was appointed as the Facilitator of the Burundi Peace Talks.

Arusha V

Arusha V was initiated on 21 February 2000 with the 9th Regional Heads of State Summit on the Conflict in Burundi under the Chairmanship of President Yoweri Kaguta Museveni of Uganda. Subsequently the plenary sessions of Arusha V were held and presided over by the Facilitator H. E. Mr. Nelson Mandela.

Four of the five committees negotiating the different thematic issues met throughout the entire period of the fifth round of the Burundi peace negotiations. Committees I-IV continued the work that they had been doing throughout the previous rounds of the talks and drafted compromise protocols for an agreement. The first round of Arusha V was brought to a close on Saturday, 4 March 2000.

Committees

Between June 1998 and 26 August 2000, participants to the negotiations had met for a total of 22 sessions lasting one to two weeks each. The outcome of the discussions were reflected in documents entitled "draft Protocols" for each of the five committees. These Protocols constitute the basis of the Agreement.

Committee I

The Committee began its formal negotiations in January 1999 and completed all agenda items in March 2000. The Committee reached consensus on several points concerning the nature and causes of the conflict in Burundi. It also agreed on the establishment of two commissions, an International Judicial Commission of Inquiry on Genocide and Crimes against Humanity and a Truth and Reconciliation Commission.

Committee II

The mandate given to Committee II in October 1998 was to establish an institutional setting for future Governments of Burundi considered "acceptable to all". The Committee based its initial agenda on those aspects of the popularly endorsed 1992 Constitution that appeared to be uncontroversial and attempted to set out those that were subject to dispute. Once the parties' responses were obtained on the issues in dispute the Bureau established a nine-point working agenda for the Committee and duly conducted debate in the Committee. The proposals in the protocol of Committee II emanate from and have been canvassed in over a thousand hours of debate, negotiations and consultations among the parties. The proposals are directed at the concerns raised by all parties. It is these concerns rather than the precise formulations that parties have adopted that the Bureau's proposals incorporated.

Committee II sessions ended on 15 April 1999. Thereafter the Bureau prepared a first draft of a protocol for discussion. The protocol is divided into two chapters. The first chapter deals with the institutional setting and fundamental values that would have to figure in a definitive constitution to be drafted by the transitional National Assembly. The second chapter covers

the issues of the transition. Between April 1999 and April 2000 the protocol was updated seven times in accordance with the debates that took place either amongst or within the clusters, individual parties or regrouped clusters, highlighting the points of agreement and disagreement and the options proposed by the groups to resolve them. Of the 10 % of the text that remained in sharp dispute, the parties concluded that they would not find agreement no matter how much time was allocated to them for further negotiations. They requested the Bureau to make compromise proposals in respect of those items.

There has been some confusion about the mandate of Committee II. The mandate was to establish only such principles, as the Burundi believed were necessary for the reestablishment of a democratic system within Burundi. The task of drafting the definitive Constitution was a matter for the Burundi to undertake in due course.

Committee III

Committee III completed its agenda on July 1 2000. There was general consensus on a number of issues regarding peace and security for all including the reform of the defence and security forces. However, there were outstanding matters where no consensus was reached and the compromise proposals on these areas in the Committee II protocol put forward by the Facilitator were retained in the Protocol of Committee III. Significantly, under the aegis of Committee III there were attempts to include the armed groups in the negotiations. However, attempts to do so were not successful, and the questions of cessation of hostilities and cease-fire arrangements remain to be negotiated after the signing of the Peace Agreement.

Committee IV

Committee IV, the least controversial of the committees, formally began its work in January 1999 and completed its agenda in September 1999. The only outstanding issue that required a compromise proposal from the Facilitation was on the question of land redistribution or compensation to returnees.

Committee V

Committee V was constituted at an Extraordinary Plenary Meeting on 4 March 2000. It held its first session between 17 and 20 April 2000, followed by two further sessions, and concluded its deliberation on 22 July 2000 with consultations with the Facilitator. As the Committee for Guarantees on Implementation it necessarily had to start its work after the other committees had completed their agendas. It was set up to devise ways and means of ensuring the implementation of the Agreement. To achieve this, Committee V examined topics contained in the proposed guarantees on the implementation. These points related to defence and security, reform of the judicial system, reform of the administration, international financial guarantees, the electoral system, the role of the Facilitator, the presence of observers and the language of the final document. There was agreement regarding the establishment of the follow-up body to the negotiating phase of the peace process. The parties were precise and categorical in prescribing the establishment of the Implementation Monitoring Committee to follow up, monitor, supervise and co-ordinate the implementation of the agreement. Other issues noted for the Facilitation to consider were the minimum conditions to be put in place for the transitional Government, security components and a time frame.

In the light of the results achieved during the negotiations and in the hope of bringing the different positions closer together the Bureau of the Committee prepared and distributed to the

negotiators a draft protocol containing compromise proposals on the guarantees on implementation of the peace agreement. The negotiators raised certain concerns regarding the composition and mandate of the Implementation Monitoring Committee, on security guarantees, on the role of the guarantor and on the issue of genocide, war crimes and other crimes against humanity. On all these points the Facilitation made compromise proposals. The concrete proposals were for a body with powers to make decisions and to take any necessary actions to ensure compliance of the parties with the provisions in the protocols.

The Final Phase: March – August 2000

In March 2000, after the protocols had been completed, it was clear that there were issues on which agreement could not be reached. The Facilitator then proposed to all of the Heads of parties, individually and collectively, and received their agreement on a procedure designed to speed up the work and lead to signing of a peace agreement. The Facilitator would make compromise proposals on all issues for which there was no consensus and submit them to all the parties. The parties would have three weeks in which to make written responses and submissions to the Facilitator. The Facilitator would study those submissions, and those considered to be of merit would be incorporated into the text. The exception was Committee II that made yet a final additional attempt to forge consensus on the basis of draft compromise proposals in April. No substantial progress was made, and Committee II then followed the process being conducted with other committees. A final document would be submitted to the parties but there would then be no further submissions or negotiations.

The Facilitation still left one window open whereby if all the parties reached consensus on any issue they could submit it for incorporation into the text. This was duly done and the present final text of the Agreement is a product of the procedure agreed upon between the Facilitator and all the parties to the negotiations.

The final version of the Agreement was presented for signing on the 28 August 2000. The “Arusha Peace and Reconciliation Agreement for Burundi” aimed at ending Burundi's seven year old civil war was signed in Arusha by fifteen parties. But four hard-line ethnic Tutsi parties boycotted the Agreement. Fifteen of the nineteen delegations who had laboured through peace talks for over two years agreed to the terms of the document drafted by the Facilitator's Team. Among the fifteen signatories to the Agreement were the Burundi President Major Pierre Buyoya, who was the first to put his signature on the agreement in the Simba Hall at the Arusha International Centre (AICC), the National Assembly and the main political parties representing Burundi's majority ethnic Hutus. A coalition of ten other parties (known as G-10) has earlier said they would not sign the power-sharing agreement but H. E. Mr Nelson Mandela persuaded five of them to change their minds just minutes before the signing ceremony. They abandoned their positions and signed the document, but with reservations. The four remaining parties signed within the next two weeks, as the possibility of signing was open till the first meeting of the Signatory Parties that took place by mid-September 2000.

Chronology 1960 – 1996

1961	October	Murder of the Prince Louis Rgasore.
1965	January	Murder of the Prime Minister Pierre Ngendandumwe.
1966	November	The Prince Charles Ndayizeye, Ntare V, is over-thrown. Creation of the 1 st Republic by Captain Michel Micombero.
1972	April/June	Inter-ethnic massacres between 100,000 and 300,000 were killed and thousands were forced to take refuge in Rwanda and Tanzania.
1976	November	Coup d'etat organised by Jean-Baptiste Bagaza and the installation of the 2 nd Republic.
1979		1 st National Congress of the UPRONA.
1981	September	Constitutional Referendum.
1982	October	Legislative Elections.
1987	September	Coup d'etat: Major Pierre Buyoya assumes power in a bloodless coup during President Bagaza's absence in Canada.
1988	April	Ethnic tension, initially in schools and extends throughout the society. Members of the Hutu community flee to Rwanda.
	May	The clergy of Bururi publish a manifest " <i>Living as Brothers in Today's and Tomorrow's Burundi</i> ". National Unity warning against rising ethnic tensions and denounces victimisation of Hutu.
	August	Ethnic violence followed by massacres committed by the army in the north, in particular in Ntega and Marangara; between 5,000 and 20,000 dead, over 60,000 flee to Rwanda.
	October	Appointment of a National Commission to study the question of national unity composed of 12 Hutu and 12 Tutsi. Appointment of a cabinet where Hutu and Tutsi hold an equal number of portfolios; the Hutu A. Sibomana is appointed Prime Minister.
1989	May	Publication of the Report of the National Commission to study the question of national unity.
1990	April	Publication of the draft Charter of National Unity
	December	"Enlarged" congress of UPRONA the Hutu N. Mayugi is elected secretary general of the party.
1991	January	Creation of the National Commission for the return, reception and resettlement of Burundian refugees.
	February	Approval of the Charter of National Unity by referendum.
	March	Creation of the Constitutional Commission
	July/Nov	Arrest of hundreds of leaders of the outlawed PALIPEHUTU party mainly coming from refugee camps in Rwanda and Tanzania.
	September	Publication of the report of the Constitutional Commission
	November	Beginning of violent attacks in Bujumbura and in some provinces. Some of the attacks are committed by the armed wing of the PALIPEHUTU. Dozens of Tutsi are killed. Army reprisals cause the death of several thousand Hutu.
1992	January	Publication of the draft constitution.
	March	Attempted Coup by military officers of the Muzinda barracks. Approval of the constitution by referendum.
	April	Promulgation of the law on political parties.
	July	Beginning of the registration of political parties
1993	June	Presidential elections: Mechior Ndadaye (FRODEBU) 64.75%; Pierre Buyoya (UPRONA) 32.39%; Pierre-Claver Sendegeya (PRP) 1.44%.

		Parliamentary elections: FRODEBU 71.40%; UPRONA 21.43%.
	July	Attempted coup d'etat. Inauguration of President Ndadaye and of new government; Prime Minister S. Kinigi (UPRONA).
	October	Coup d'etat. Assassination of President Melchior Ndadaye and some other FRODEBU officials. Beginning of ethnic-political violence resulting in about 50,000 Hutu and Tutsi killed; over 1 million refugees and displaced persons.
1994	January	Constitutional amendment allowing the election of a successor to President Melchior Ndadaye by the National Assembly. Kigobe Accord. "Dead city" days organised in Bujumbura by opposition parties and condemned by the army. About 200 people killed.
	February	Kajega Accord. Inauguration of President Ntaryamira. Formation in two stages of a new government. Prime Minister A. Kanyenkiko (UPRONA).
	March	"disarmament" operations by the army in mainly Hutu areas of Bujumbura. Hundreds of persons killed, thousands had to flee.
	April	President Ntaryamira killed in Kigali plane crash together with Rwandan President Habyarimana. Constitutional Court declares unconstitutional the amendment providing for the election of the president by the National Assembly.
	September	Novotel Agreement; signing of the "Government Convention", containing major concessions by FRODEBU.
	October	Inauguration of President Sylvestre Ntibantunganya. Formation of a new government. Kanyenkiko is maintained as Prime Minister.
	December	J. Minani (FRODEBU) elected speaker of the National Assembly. This choice is contested by the opposition, which threatens to leave the government and the parliament. Renewed violence, with hundreds of people killed in Bujumbura and elsewhere.
	December	Curfew imposed throughout the country from dusk to dawn.
1995	January	Jean Minani replaced by Léonce Ngendakumana as speaker of the National Assembly. Conflict. Conflict not solved between UPRONA chair Charles Muklasi and Prime Minister Kanyenkiko. Kanyenkiko expelled from UPRONA. TWO UPRONA ministers, considered radical, sacked from the government.
	February	The opposition threatens to unleash new violence.
1996	April/June	Negotiations between FRODEBU and UPRONA take place in Mwanza (Tanzania) with no result.
	June	A new coup d'etat is thrown that will bring Pierre Buyoya to power after a lot of hesitation on behalf of those who organised the coup.