

Burundi: An ongoing search for durable peace

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Introduction

The signing of the Ceasefire Accord (CFA) in Dar es Salaam, on 7 September 2006, between the government of Burundi and the last remaining armed movement, the Palipehutu-FNL (*Parti pour la libération du peuple hutu – Forces nationales de libération*), should – once its implementation has been concluded – represent the official end of the Burundian peace process. Once this is done, it should conclude ten years of internationally sponsored negotiations, during which no fewer than five separate peace accords have been signed between the Burundian parties. This excludes the ‘Convention of Government’ and the ‘Internal Partnership’, which were negotiated internally by the

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parties themselves immediately after the beginning of the crisis in 1993. However, in spite of these non-stop negotiations and the holding of democratic elections in August 2005, few Burundian and international roleplayers would be brave enough to claim that the Burundian peace process has been completed and that Burundi has finally achieved durable peace. The reasons for this are obvious.

Although the CFA ended formal combat between the government of Burundi (GOB) and the Palipehutu-FNL (FNL), which brought welcome relief to the people of Burundi, implementation of the accord had not started by mid-January 2007. Although this was mainly because the GOB granted the FNL temporary immunity only three and a half months after the signing, all indications are that the implementation process will be faced with further challenges.

Because the FNL signed the accord under massive pressure and the threat of severe regional and international sanctions, this agreement is extremely fragile. Numerous issues that the FNL wanted to negotiate were left unresolved. Undertakings by the South African facilitator, Minister Charles Nqakula and his team, that the FNL would be able to negotiate these issues after the signing of the accord have not been realised and will result in these issues cropping up during the implementation process – and after. The GOB initially refused to participate in negotiations with the FNL in Dar es Salaam and had to be pressurised to do so by external actors. This resulted in them being extremely reluctant negotiating partners. Coupled with the FNL's lack of willingness to sign the peace agreement, it should be evident that the implementation of this accord will take longer than many people hoped. The saying that 'you can take the horse to the water, but you cannot make it drink' obviously comes to mind.

Nor has the election of a new democratic government in 2005 removed the perception that Burundi still lacks durable peace. On the contrary, the seriously destabilising situation inside Burundi since the elections has dashed Burundian hopes of entering a new era.

Faced with widespread criticism from opposition parties, civil society leaders and organisations and the media that it is not honouring its promise of good governance, the new National Council for the Defence of Democracy – Forces for the Defence of Democracy (CNDD-FDD)-led government of President Pierre Nkurunziza, instead of engaging its critics in dialogue, has resorted to large-scale repression and human rights violations. These actions have not only affected the internal situation, but have had a very negative impact on the negotiations in Dar es Salaam. The immediate past president, Domitien Ndayizeye, was stripped of his immunity by the Burundian parliament and, together with a former vice-president (Alphonse Kadege) and four others, was jailed for more than five months on what are generally accepted as trumped-up charges of 'plotting a coup d'état'. This resulted in the FNL questioning whether the temporary immunity that the GOB was granting them would suffer the same fate: 'How can we return to a

country where political freedom does not exist'? (While some journalists and civil society representatives were jailed – one for seven months – others were intimidated, threatened and subjected to interrogation. Hundreds of civilians, accused of being 'sympathetic' to the FNL, were arrested, tortured and even killed by state agents.)

The growing opposition inside the country to these actions by the GOB, and the accompanying fear and insecurity that this created among Burundians in general led to attempts by opposition groups, including the FNL, to build a broad anti-government alliance. Instead of stabilising the situation, such a development could result in the government becoming even more intolerant.

The most serious challenge facing Burundi today is not necessarily the FNL and the implementation of the CFA, but the repressive and undemocratic behaviour of the government. The challenge facing all external actors at the moment is to ensure that newly elected democratic governments practise good governance. And, while all role-players should obviously continue their attempts to ensure the successful implementation of the CFA, an equal effort is simultaneously needed to convince the government to change its behaviour. This will make a major contribution towards creating the kind of environment inside the country that will encourage the implementation of the CFA – and the return of the FNL to Bujumbura.

Violations of peacemaking principles

Although this internal destabilisation and the slow progress being made with the FNL contributed to questions about the durability of the process, this scepticism has its origins in the 11-year Burundian peace process. Burundians, in all those years of negotiating agreements, did not believe that they had achieved a genuine breakthrough, and did not feel that they could celebrate anything (since there were always remaining problems). This requires a closer look at the process.

Over many decades, peace practitioners, academics and others have developed a set of clear, universally acceptable and workable principles of successful conflict resolution and peacemaking. Among these are inclusivity, consensus, compromise, ownership of the process and solutions by the parties (homegrown solutions), dealing with the root causes (of the conflict) and reconciliation. These principles were confirmed as 'African principles of conflict resolution' at a UN conference in Addis Ababa in 1999. These principles were strictly applied during the South African peace negotiations, which was one of the major reasons for the success of the South African transition.

But in the Burundian peace process, virtually every one of these principles was ignored or violated. After the signing of the Arusha Peace Accord in 2000, one of the

key advisers of the then facilitator, former South African president Nelson Mandela, publicly admitted that this was indeed the case. In an article in the *Cape Times*, a South African newspaper, in which he hailed Mandela's success in getting the parties to sign, he attributed this success to the fact that Mandela 'had broken virtually all the principles of good negotiations and peace-making'.

Key features of the Burundian peace process

Inclusivity

If all the main political and political/military parties involved in the Burundian conflict had been included in the Arusha peace process and the signing of the Arusha Accord of 2000, there would have been no reason to continue for another six years. Nor would we have found ourselves in the situation at the beginning of 2007 where yet another ceasefire accord still has to be implemented. Instead of Arusha applying a policy of maximum inclusivity, the main armed Hutu political/military movements, which were the only ones active in the battlefield (besides the Burundian Army) were excluded in spite of their requests to be included. This would remain the Achilles heel of the process.

It was only in early 2000 that Nelson Mandela (after taking over as facilitator from former Tanzanian president Julius Nyerere, who had been the facilitator since 1996) invited both armed movements to join the process. Although they welcomed his decision, his simultaneous statement that 'the process was virtually completed' and that the Arusha parties had to sign 'within months' unfortunately created the impression that they would not be granted enough time to participate fully in the negotiations. Both movements therefore remained outside the process.

To bring an end to the war that continued unabated inside Burundi after the signing of the Arusha Accord, the facilitators continued to try to bring the various armed movements into the process. But because the facilitation had gone ahead with the signing of the Arusha Accord and the installation of the first transitional government, in spite of the absence of the Hutu military movements, this made them reluctant. Working on the assumption that some could be brought in more easily than others, the facilitation decided to bring them in one by one, a so-called incremental approach. Excluding the armed groups and then using the incremental approach had certain serious consequences, however:

- Both the war and the peace process were seriously prolonged: whereas the CNDD-FDD was included in 2003, the FNL had still not been included (at the time of writing) and will only be included once the CFA has been successfully implemented – something which is not guaranteed

- Because the war continued in spite of negotiations and peace agreements being signed, this undermined the relevance and legitimacy of the process. The armed movements launched major attacks every time the Burundian negotiators left for Arusha or signed an accord, which actively contributed to this
- Parties that had been included claimed that those excluded did not have to be brought in, since they ‘represented the same objectives as the excluded’, and those parties would join automatically once they had signed an agreement. The falseness of this claim was proved regularly. This not only created animosity between the included and excluded, but seriously undermined the willingness of the excluded parties to negotiate. This still has an impact on Burundi
- The excluded parties adopted a moral high ground approach by stating that while those who had participated had sold out by making unacceptable compromises, they had held on to the original and ‘pure’ objectives
- Every time another armed movement was brought in, those already included that had obtained positions in the institutions had to sacrifice some of their positions to make room for the newcomers. Since all the main Tutsi parties had been included in Arusha, this competition applied specifically to the Hutu parties. This explains many of the animosities in a fierce battle for dominance
- Owing to different sets of parties signing different agreements, there was no allegiance to a single agreement. This is illustrated by the current lack of consensus between those parties who signed the Arusha Accord and those who did not

The decision to go ahead with democratic elections after the inclusion of Pierre Nkurunziza’s CNDD-FDD in 2003, in spite of the non-inclusion of the FNL, resulted in the elections taking place against the background of an ongoing, albeit reduced, war. It also made it even more difficult for the facilitators to bring the FNL to the negotiating table.

Homegrown solutions?

During the whole peace process, not a single peace agreement was signed by the parties of their own free will. In all cases, the facilitators, together with the regional initiative on Burundi (with the support of most international players), imposed agreements on one or more of the parties. This methodology not only negatively affected the relationship between the facilitators (and other external role-players) and the party that refused to accept what was being imposed, but also resulted in face-to-face negotiations between the conflicting parties being replaced by ‘negotiations’ between the facilitators and the ‘recalcitrant’ party.

Concepts such as ‘win-win’, compromise, consensus and homegrown solutions were obviously the first casualties of this approach. Setting tight deadlines and time frames, and trying to stick to these regardless of the realities ‘on the ground’, did not allow the negotiating parties sufficient time to reach a meeting of minds or a common vision of the way in which they should move forward together. Instead of the parties being able to implement their accords in both the letter and the spirit of the agreement, the absence of any common spirit meant that they could only implement ‘the letter’. Even that was difficult, since the agreement had been imposed upon them.

This practice of imposing agreements resulted in a virtual minefield of unresolved issues being left behind. While every party that signed against its wishes – from Arusha until today – was promised that it would be able to debate/negotiate its unresolved issues ‘once they sign and return to Burundi’, this did not materialise. The feeling among these parties that they were defeated and cheated, and the anger and frustration that this generates, actively contributes to tensions inside Burundi. With the same promise having been made to the FNL, one can only hope that there will not be another repetition.

It must also be borne in mind that the new Burundian pre-election constitution, instead of representing consensus among the parties who were involved in this lengthy process, was also imposed. All the parties that represented the Tutsi political position completely rejected the draft constitution, the facilitation and the region imposed it on them. The ethnic quotas in political representation for predominantly Hutu and Tutsi parties (60 per cent for Hutus and 40 per cent for Tutsis) which were agreed to at Arusha and made the signing of the accord possible, were also changed unilaterally. However, the 50/50 ethnic quota for Hutus and Tutsis in the army was retained (for now?).

It would probably be superfluous to state that peace agreements and changes brought about in this way cannot automatically be considered durable. Unfortunately, a similar methodology was followed during the negotiations between the GOB and the FNL. Forcing the FNL to sign an agreement with which they strongly disagreed has resulted in numerous issues they had demanded to negotiate being left untouched or unresolved. The most important of these are:

- A demand for further negotiations (after the signing of the 7 September 2006 CFA) of the principles contained in the Agreement of Principles, which was signed between the GOB and the FNL on 18 June 2006. While the FNL regards these principles as too vague and broad to be implemented and they should therefore be ‘fleshed out’, the GOB has shown no willingness to agree to that
- The name Palipehutu-FNL: the intention of the FNL to register the name of its party as the Palipehutu-FNL once its leadership returns to Bujumbura has been rejected by the GOB, which claims that it is illegal in terms of Burundian law to register a

party that has what they term an ‘ethnically divisive’ name. This issue could create a major blockage if it is not resolved

- A truth and reconciliation process: while the FNL wants a social contract that will be representative of all ethnic groups and will emphasise mutual truth telling and forgiveness, the GOB wants a more conventional and formal judicial process. (In the Agreement of Principles a small step forward was made by renaming the TRC the Truth, Forgiveness and Reconciliation Commission (TFRC))
- Further reform of the Burundian security forces: while the 18 June accord states that there will be ‘transformation or ongoing reform and modernisation’ of the security forces, the two parties have contradictory definitions of these terms
- The allocation of positions to the FNL leadership: although the accord specifies that the FNL will ‘contribute resources’ to the security forces, the CFA is silent on the issue of incorporating its leaders

These and other unresolved issues are bound to crop up during the implementation process or once the FNL returns to Bujumbura.

The Burundian process as a ‘model’ for peacemaking?

It will probably remain a mystery why Burundi was the recipient of a peace process that lacked virtually all the traditionally accepted principles of good peacemaking. The case of Burundi presents peace practitioners and students of conflict resolution with a challenge. Should the principles of good peacemaking still be applied in peace processes (as in the South African process), or should the Burundian ‘model’ replace it? An international roleplayer commented: ‘Throw all those books on the principles and techniques of conflict resolution and peacemaking out of the window. The times have changed – since 9/11.’

Nelson Mandela and his team did not apply the principles that were used in the South African negotiations. This can partly be explained because Mandela inherited a process that lacked these principles. If these two models are indeed mutually exclusive, as the author believes, then surely both cannot bring durable peace? Although time will tell, present signals from Burundi would suggest strongly that the Burundian ‘model’ has not yet passed the test.

What Burundi needs now

To increase Burundi’s chances of eventually achieving durable peace, it is a requisite that a structured process of dialogue between the GOB and the internal opposition

be established. This applies specifically to those who were democratically elected to parliament. The absence of such a process – or practice – merely results in the perpetuation of the policy of exclusion, which played such a destructive role in creating the conflict in the first place. It also lies at the root of the volatility and instability that Burundi has experienced since the elections of 2005.

A similar process of negotiations, dialogue and talks is needed between the GOB and the FNL to increase the chances of the CFA being implemented and prevent unresolved issues from continuing to destabilise the country. Unless these two steps are taken, Burundians will not be able to build anything that resembles a truly inclusive national consensus and a common vision for the future. Instead, they will merely continue to stumble along and run the risk of both new and ‘old’ conflicts emerging and re-emerging.