

Burundi: Prospects for Peace

AN MRG INTERNATIONAL REPORT • BURUNDI: PROSPECTS FOR PEACE



BURUNDI: PROSPECTS FOR PEACE

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A CIP catalogue record for this publication is available from the British Library.

ISBN 1 897 693 53 2

ISSN 0305 6252

Published November 2000

Typeset by Texture

Printed in the UK on bleach-free paper.

Acknowledgements

Minority Rights Group International (MRG) gratefully acknowledges the support of Trócaire and all the organizations and individuals who gave financial and other assistance for this Report.

This Report has been commissioned and is published by MRG as a contribution to public understanding of the issue which forms its subject. The text and views of the author do not necessarily represent, in every detail and in all its aspects, the collective view of MRG.

MRG is grateful to all the staff and independent expert readers who contributed to this Report, in particular Katrina Payne (Commissioning Editor) and Sophie Richmond (Reports Editor).



Internally displaced people. Child looking after his younger sibling.

GIACOMO PROZZI/PANOS PICTURES

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MINORITY RIGHTS GROUP INTERNATIONAL

MRG works to secure rights and justice for ethnic, linguistic and religious minorities. It is dedicated to the cause of cooperation and understanding between communities.

Founded in the 1960s, MRG is a small international non-governmental organization that informs and warns governments, the international community, non-governmental organizations and the wider public about the situation of minorities around the world. This work is based on the publication of well-researched Reports, Books and Papers; direct advocacy on behalf of minority rights in international fora; the development of a global network of like-minded organizations and minority communities to collaborate on these issues; and **the challenging of prejudice and promotion of public understanding** through information and education projects.

MRG believes that the best hope for a peaceful world lies in **identifying and monitoring conflict** between communities, **advocating preventive measures** to avoid the escalation

tion of conflict and **encouraging positive action** to build trust between majority and minority communities.

MRG has consultative status with the United Nations Economic and Social Council and has a worldwide network of partners. Its international headquarters are in London. Legally it is registered both as a charity and as a limited company under English law with an International Governing Council.

THE PROCESS

As part of its methodology, MRG conducts regional research, identifies issues and commissions Reports based on its findings. Each author is carefully chosen and all scripts are read by no less than eight independent experts who are knowledgeable about the subject matter. These experts are drawn from the minorities about whom the Reports are written, and from journalists, academics, researchers and other human rights agencies. Authors are asked to incorporate comments made by these parties. In this way, MRG aims to publish accurate, authoritative, well-balanced Reports.

Burundi: Prospects for Peace

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Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (Adopted by the UN General Assembly; Resolution 47/135 of 18 December 1992)

Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories, and shall encourage conditions for the promotion of that identity.
2. States shall adopt appropriate legislative and other measures to achieve those ends.

Article 2

1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.
2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.
3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.
4. Persons belonging to minorities have the right to establish and maintain their own associations.
5. Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group, with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.

Article 3

1. Persons belonging to minorities may exercise their rights including those as set forth in this Declaration individually as well as in community with other members of their group, without any discrimination.
2. No disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights as set forth in this Declaration.

Article 4

1. States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.
2. States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.
3. States should take appropriate measures so that, wherever possible, persons belonging to minorities have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.
4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.
5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

Article 5

1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.
2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

Article 6

States should cooperate on questions relating to persons belonging to minorities, inter alia exchanging of information and experiences, in order to promote mutual understanding and confidence.

Article 7

States should cooperate in order to promote respect for the rights as set forth in the present Declaration.

Article 8

1. Nothing in this Declaration shall prevent the fulfilment of international obligations of States in relation to persons belonging to minorities. In particular, States shall fulfil in good faith the obligations and commitments they have assumed under international treaties and agreements to which they are parties.
2. The exercise of the rights as set forth in the present Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.
3. Measures taken by States in order to ensure the effective enjoyment of the rights as set forth in the present Declaration shall not prima facie be considered contrary to the principle of equality contained in the Universal Declaration of Human Rights.
4. Nothing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

Article 9

The specialized agencies and other organizations of the United Nations system shall contribute to the full realization of the rights and principles as set forth in the present Declaration, within their respective fields of competence.

Convention on the Elimination of all Forms of Racial Discrimination (1965)

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races.
2. States parties shall, when the circumstances so warrant, take, in the social, economic cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Convention on the Prevention and Punishment of the Crime of Genocide (1948)

Article 1

The Contracting Parties confirm that genocide whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group.
- (b) Causing serious bodily or mental harm to members of the group.
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.
- (d) Imposing measures intended to prevent births within the group.
- (e) Forcibly transferring children of the group to another group.

Article III

The following acts shall be punishable:

- (a) Genocide.
- (b) Conspiracy to commit genocide.
- (c) Direct and public incitement to commit genocide.
- (d) Attempt to commit genocide.
- (e) Complicity in genocide.

Article IV

Persons committing genocide or any of the other acts enumerated in Article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Preface

M

RG's timely new Report *Burundi: Prospects for Peace* has been commissioned to further the search for peace and stability in Burundi, giving a number of recommendations to this end.

The negotiations in Arusha, Tanzania, that have been under way since 1998, have reached a conclusion and there is some chance that the peace which has so long eluded Burundi's population could be within reach.

All agree that the path to peace has not been an easy one and it will remain extremely difficult to implement proposals for peace.

Burundi: Prospects for Peace gives a balanced and critical analysis of the crises which have befallen Burundi and charts the course of the peace negotiations. Burundi has been in conflict for much of its history since independence, leading to genocide and civil war in which tens of thousands of people from all ethnic groups within Burundi – Hutu, Tutsi and Twa – have been victims. Some knowledge of the background to these events is essential for anyone wanting to understand the issues which the country now faces in order for Burundi to move towards peace and to rebuild the lives of its people.

Much of the violence within Burundi has been characterized as 'ethnic' whereas, as this Report demonstrates, it has actually been of a distinctly political nature, manipulated by elites wishing to capture or maintain power. Ethnicity has undoubtedly proved to be a strong mobilizing force where a numerical minority – the Tutsi – currently controls much of the state, including its army, and the numerical majority – the Hutu – are politically and economically marginalized. Moreover, each group has come to view the other with fear, many being convinced that the other is intent on genocide. This cycle of fear and retribution has to be broken. Furthermore, the position of the Twa – who self-identify as indigenous and who represent less than 1 per cent of the population – has been largely ignored in any discussions on Burundi. Yet their situation is dire: they are generally despised by both Hutu and Tutsi and have been caught up in a war in which they have suffered disproportionately.

MRG's Report is forward-looking and seeks to highlight some of the most important issues that will need to be addressed in the peace deal. The aim of peaceful coexistence and cooperation between communities will require the goodwill of all of the people of Burundi. In addition, the support of Burundi's neighbouring states and of the international community will be essential.

This Report calls for a political transition towards democracy and for confidence in the democratic process to be restored. Alongside this, the army and the judicial institutions must be reformed to institute respect for human rights and to end the impunity of those responsible for the massive human rights violations of recent years. Health and education will also need to be over-

hauled. A durable peace would encourage a redirection of spending away from armaments and towards clinics and schools which serve all of the people. It is essential that the international community helps by increasing aid: currently the vast majority of the population live in extremely poor conditions, not least the Twa.

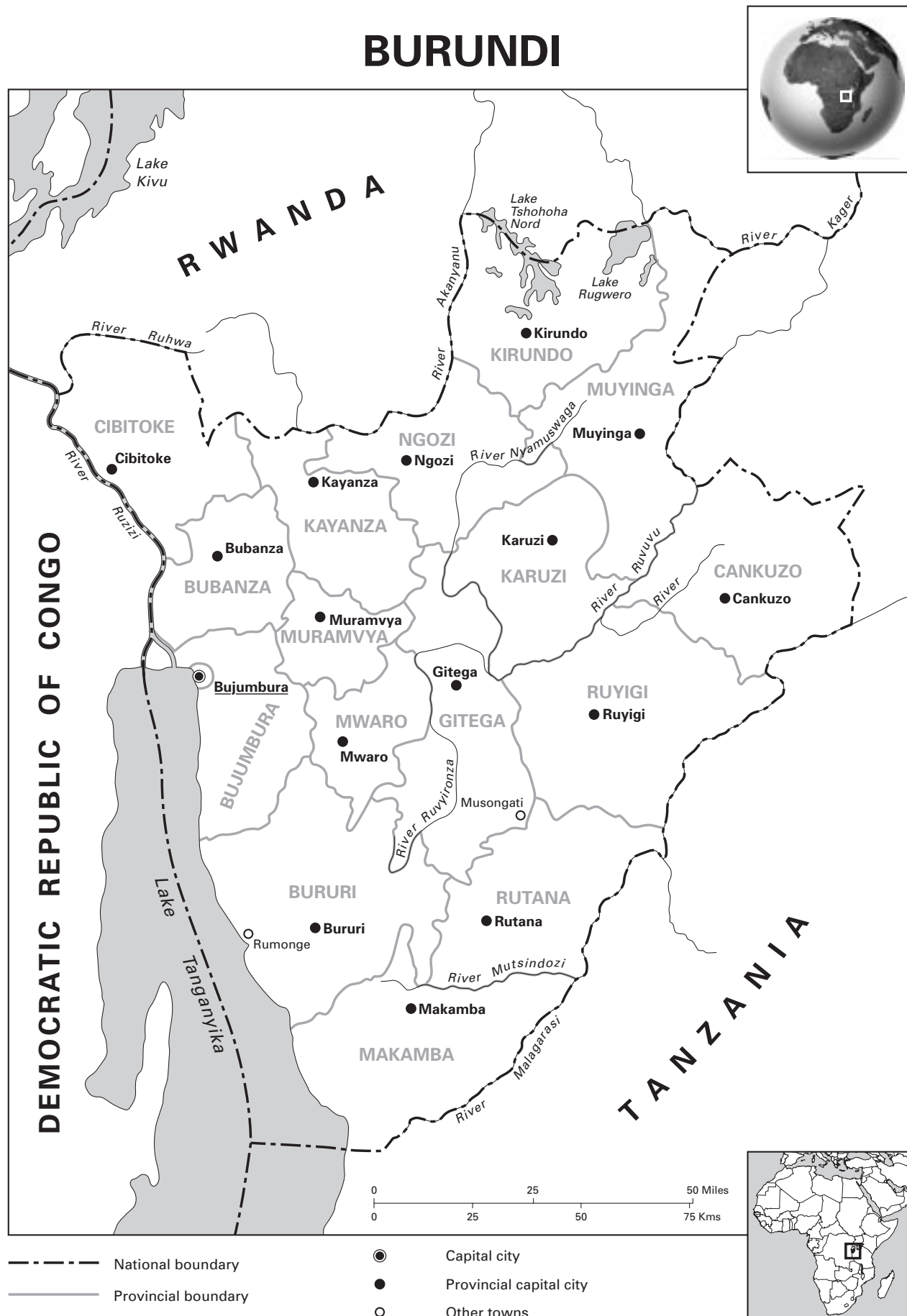
This Report has been written by Filip Reyntjens, who is renowned for his work on Burundi and who wrote MRG's last Report on Burundi in 1995 (updated in 1996). The author highlights how a failure to move towards peace in the current climate would lead to yet more violence, especially given the recent conflicts in neighbouring states in the Great Lakes Region. As he argues, 'If Burundi were to revert to massive violence, this would further compound an already explosive regional situation.'

MRG offers this Report, with its set of recommendations aimed at the Burundian government and the international community, to support peace and stability based on human rights for all.

Alan Phillips

Director

October 2000



Country, people and region

Country

Burundi is a small, densely populated, landlocked, poor country in the Great Lakes Region of East-Central Africa. Its size (27,834 sq km) compares to that of Belgium or Wales. It has about 6.5 million inhabitants which gives it a population density of 230 per sq km; after Rwanda, this is the second-highest population density in mainland Africa. The country depends on transit routes through neighbouring countries: Dar es Salaam and Mombasa to the east are at a distance of about 1,500 and 2,000 km respectively, while the Atlantic coast is almost 2,000 km away (and inaccessible, due to the situation in the Democratic Republic of Congo and Angola). With a per capita income of US \$140 in 1998, Burundi ranks as the third-poorest country included in the World Bank statistics.

Over 90 per cent of the population is involved in agriculture, generally at subsistence level. In 1998, the agricultural sector provided about 50 per cent of GNP. The peasant mode of production, combined with the high population density, means that Burundi's main problem is pressure on land: most farmers have less than 1 ha of land, while at the same time the soil is deteriorating due to over-exploitation and, increasingly, marginal land is brought under cultivation. I shall return to the land issue later.

The industrial sector is very small; comprising enterprises in the areas of brewing, match production, textiles and processing of agricultural products, it amounts to slightly over 20 per cent of GNP. While the main subsistence crops are bananas (many of which are grown for beer production), beans, sorghum, maize, sweet potatoes and cassava, the principal export crop is coffee, which accounts for almost 80 per cent of export earnings, followed by tea and cotton. Important nickel reserves have been discovered near Musongati in the south-east, but doubts about profitability and the prevailing insecurity have postponed effective exploitation. Burundi runs a consistently high trade deficit: in 1998, export earnings stood at about US \$49 million, while imports were worth about US \$102 million. Likewise, the budgetary deficit is large: in 1998, foreign debt amounted to about US \$1.1 billion, and its service cost over 58 per cent of export income. These macro-economic imbalances have been more or less sustainable only because of huge international assistance: in 1992, about US \$315 million of aid was received, which amounted to about one-quarter of

Burundi's GNP. However, foreign aid declined dramatically in the second half of the 1990s as a consequence of war, insecurity and the regional embargo.

People

Burundi has faced conflict during most of its history since independence in 1962. While strife has generally been interpreted as 'ethnic', it is in fact political, aimed at maintaining or capturing power. Controlling the state is of major importance in a poor country like Burundi, as it is the main avenue for accumulation and reproduction of a dominant class. As will become clear later, the processes of national reconciliation since 1988 and of democratization since 1991 have met with staunch and occasionally violent resistance from certain elites. Thus, in 1993, the violence was only apparently ethnic: the October coup aimed at recapturing political power and privileges, lost or jeopardized after the June elections. Pitted against each other were not Hutu and Tutsi as such, but those who gained power through the ballot box and those who lost it. This does not mean that ethnicity plays no role: quite the contrary. It is a powerful mobilizing force, used and manipulated by elites in their political strategies. The prominence of the ethnic factor in politics explains the cross-border implications of crises in Burundi and Rwanda. As both have a similar ethnic composition, violence in one country has tended to exacerbate tensions in the other and vice versa. Thus, for instance, the October 1993 coup in Burundi dealt a fatal blow to the Rwandan Arusha peace accord, while the genocide against the Rwandan Tutsi in April-June 1994 radicalized Burundian Tutsi, thus handicapping the search for solutions in Burundi.

While the ethnic groups figure prominently in this report, we shall see that Burundi is not just the country of Hutu, Tutsi and Twa: other cleavages – based on gender, region, clan or rural/urban belonging – are at least as relevant. As a matter of fact, it is paradoxical that the ethnic divide should be so paramount in Burundi's recent history, as Hutu, Tutsi and Twa do not even qualify as 'ethnic groups' in the anthropological sense of the word. They traditionally share the same monotheistic religion, the same language (Kirundi), the same customs and the same space: there is no 'Hutu-land' or 'Tutsi-land' and both main groups lived side by side on the hills of Burundi, until some degree of, hopefully temporary, segregation occurred as a result of the recent violence. In political terms, the Burundian categories have nevertheless devel-

oped all the characteristics of 'ethnic' groups: belonging to one or the other determines access to power, jobs, wealth, education and privileges, and even makes the difference between life and death.

Region

In the context of the Great Lakes Region, a short comment on the concept of minority/majority is called for. As the Hutu constitute a large demographic majority (about 85 per cent), the Tutsi (about 15 per cent) and the Twa (under 1 per cent) would seem to be the minorities in need of protection. While this is undoubtedly true for the Twa, the Tutsi have dominated politics, the army, the civil service, the judiciary, education and the economy, and – up to the massacres of late 1993, when about half the dead were Tutsi – the Hutu were by far the most numerous victims of ethnic-political violence. As Eide has pointed out, it is not always the numerical majority that oppresses the minority.¹ Politically speaking, the Tutsi are dominant, despite constituting a demographic minority. All three groups thus have the characteristics of a minority in one sense or another: the Twa are a political and a demographic minority; the Tutsi are a demographic minority and a political majority; the Hutu are a demographic majority and a political minority. Of course, the reference to 'Hutu' and 'Tutsi' here relates to their respective elites, who are involved in a struggle to maintain or acquire political and economic power. The overwhelming majority of Burundian Hutu, Tutsi and Twa is absent from politics and shares poverty and lack of access to health services and education.

Burundi can only be understood in a broader regional perspective. Particularly since the first Congo War, which in 1996–7 brought Laurent-Désiré Kabila to power in Kinshasa, several conflicts have tended to merge: these include the Great Lakes conflict, which has been the most immediately visible one, and the Sudanese and Angolan civil wars. The geographical proximity of these hotbeds of instability and the play of objective alliances (where all actors reason in terms of 'the enemy of my enemy is my friend') have linked up these conflicts, thus opening the prospect of the emergence of a war zone stretching from Luanda to Asmara. Zaire, as it then was, constituted the junction between these zones for two reasons. First, the Zairean state had virtually disappeared, thus leaving a 'black hole' with porous borders, almost no effective national army or administration, very poor communications between centre and periphery and between peripheries, an essentially informalized economy. Second, the Mobutu regime was implicated in the neighbours' wars: it supported the Khartoum government in its war against the southern Sudanese rebellion, which was in turn supported by the USA, Uganda, Ethiopia and Eritrea; Zairean territory served as a rear base for attacks by armed movements against Uganda, Rwanda and Burundi; and the support offered by Mobutu to the Angolan rebel movement UNITA (National Union for the Total Independence of

Angola) did not end with the 1994 Lusaka peace accord. As the alliances in the region are conjunctural, they are fragile and shifting. This has become clear from the beginning of the second Congo War in August 1998: yesterday's allies are today's enemies. Thus Rwandan and Burundian Hutu forces, which were opposed to Kabila in 1996–7, now side with him in the context of an 'anti-Tutsi' alliance. More shifts are likely to occur in the future, thus creating a highly unpredictable and unstable regional political-military landscape, which inevitably affects attempts at reaching a peaceful solution in Burundi.²

Historical background

From monarchy to republic

Unlike most African states, Burundi and its northern neighbour Rwanda were not an artificial creation of colonial rule. When they were absorbed by German East Africa in 1899, they had been organized kingdoms for centuries, belatedly forced to open their borders to European intrusion. When, in 1916, Belgium occupied Ruanda-Urundi (as the League of Nations mandate territory encompassing both Rwanda and Burundi was designated), 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 Hutu 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 Hutu 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.³ However, to fulfil the criteria imposed by the UN Trusteeship Council after 1948, the Belgian administration was moved towards some degree of democratization. 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, Rwagasore being a Mwezi (pl. Bezi) and PDC leaders Baranyanka and Ntidendereza being Batare (sing. Mutare). At legislative elections held in September 1961 to precede the granting of internal self-government in January 1962, UPRONA won 58 of the 64 seats in the new National Assembly. Rwagasore, who became prime minister, was assassinated three weeks later by a hit-man acting for the PDC. His death was to prove a crucial event in the subsequent history of Burundi; 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.

UPRONA proved unable to contain the ethnic tensions that followed the attainment of independence on 1 July 1962. The monarchy emerged as the only source of legitimacy to which both Hutu and Tutsi could relate in any meaningful fashion. In order to consolidate his own position, the *mwami*, Mwambutsa IV, sought to ensure a prop-

er balancing of ethnic interests in government. Four governments held office during 1963–5, each comprising almost equal proportions of Hutu and Tutsi. Tensions reached a climax when the Hutu prime minister, Pierre Ngendandumwe, was assassinated 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 *gendarmérie* (national police) attempted to seize power in October. The repression of 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 by the Hutu in Burundi's political life for many years.

In July 1966 Mwambutsa was deposed by his son, who took the title of Ntare V. He appointed Captain (later Lieutenant-General) Michel Micombero as prime minister. In November Ntare was himself overthrown by Micombero, who declared Burundi a republic. With the abolition of the monarchy, the most important stabilizing element in the political system was removed, and subsequent purges of Hutu officers and politicians further consolidated Tutsi supremacy. More specifically, the birth of the republic heralded a decades-long domination by Tutsi-Hima elites from Bururi province.

Genocide and the Bagaza years

Following a violent attempt at insurrection by exiled Hutu in April 1972, during which between 2,000 and 3,000 Tutsi were killed, massacres of unprecedented magnitude and brutality were carried out by the Burundian army and the youth wing of UPRONA. An estimated 100,000–200,000 Hutu were killed, and a further 300,000 fled the country, mainly to Zaire, Tanzania and Rwanda. Virtually all Hutu elements were eliminated from the armed forces.⁴ This genocide⁵ has been a major watershed 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 proof of the existence of an ongoing genocidal plan nurtured by extremist Tutsi;⁶ for the Tutsi, the fear of '*le péril hutu*' – the threat that the majority will exterminate the minority – is genuinely felt. The events of 1972 also deepened a culture of impunity: the fact that no one was prosecuted and punished has convinced those responsible for massive human rights violations that anything is possible without fear of prosecution by either the domestic judicial system or the international community. As will be seen later, this practice of impunity

has continued throughout the successive rounds of violence up to the present day.

In November 1976 Colonel Jean Baptiste Bagaza, like Micombero a Tutsi-Hima from Rutovu in 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, adopted by national referendum in November 1981, 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 UPRONA at the party's second national congress in July 1984, Bagaza was elected head of state in August, for the first time by direct suffrage, winning 99.63 per cent of the votes cast; he was the sole candidate in both elections.

During the period 1984–7 there was a sharp deterioration in the government's human rights record. This was particularly marked in relation to religious freedom, and led Bagaza's regime into intense conflict with several Christian denominations. The number of political prisoners, which rose considerably during this period, included members of Churches accused of criticizing government restrictions on religious activities, as well as people suspected of involvement in Hutu opposition groups. Many detainees were subjected to torture.⁷ This intensification of authoritarian rule led to strained relations with a number of donor countries, which sought to bring pressure on 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 Mishamo camp (Tanzania); some time later, FROLINA (Front pour la Libération Nationale) was created by Joseph Karumba in Kigoma, Tanzania.

On 3 September 1987, during a visit abroad, Bagaza was deposed by an army-led coup, instigated by Major Pierre Buyoya, a close associate who accused the former president of corruption and formed a Military Committee for National Salvation (CMSN), comprising 31 army officers. The 1981 Constitution was suspended. On 2 October Buyoya was sworn in as president, at the head of a new 20-member government, including four army officers. Bagaza subsequently went into exile in Libya.

Buyoya embarks on a new policy

As part from its adoption of a more liberal approach to the issue of religious freedoms, initially the new regime did not differ significantly from that of Bagaza. It remained dependent upon the support of a small Tutsi-

Hima elite, who dominated the army, the civil service, the judiciary and educational institutions. Although Buyoya emphasized a desire for *rapprochement* 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 the Hutu majority for fuller participation in public life. The reins of power remained firmly in the hands of the minority Tutsi elite, and Hutu 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 rumours and fears of a 'new 1972', on which PALIPEHUTU capitalized, several hundred Tutsi were killed and many more fled. During an operation aimed at 'restoring order' the armed forces randomly killed thousands of unarmed Hutu 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 Hutu fled to neighbouring Rwanda.⁸

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, the president realized that the cycle of ethnic violence had to be broken, and he initiated a courageous programme of reform. His first two actions were of considerable psychological value. In October 1988, 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 creating a cabinet where Hutu and Tutsi held an equal number of portfolios. Although these measures could be seen as cosmetic to a large 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,⁹ initiated a public debate that was to lead to the drafting of a 'Charter of National Unity'. For this purpose many 'symposia on unity' were organized 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 obvious. At the political level, many Hutu entered the apparatus of the state: at the end of 1990, half the cabinet, a sizeable number of provincial governors and mayors, and even the secretary-general of UPRONA were Hutu. Furthermore, they were equally represented with Tutsi in all major state bodies of a political nature. A marked improvement likewise occurred in two of three key areas where discrimination against the Hutu had been highly visible in the past. The first was education, where the by-and-large fair organization of national examinations after 1989 resulted in a considerable increase in the

number of Hutu having access to secondary and higher education. The second was the civil service, whose higher echelons in particular used to be a near monopoly of Tutsi. Here, again, progress was clear: not only did recruitment procedures become more transparent, but the government took a number of measures aimed at recruiting Hutu into responsible positions, sometimes even at the expense of incumbent Tutsi. However, the third and most sensitive area remained problematic. The armed forces and the security services, which, during the successive crises since 1965, had become almost exclusively Tutsi, resisted change. Coup attempts in February 1989 and March 1992, and the way in which some army units misbehaved during the November 1991 disturbances in particular,¹⁰ showed that Buyoya's message of reconciliation was meeting considerable resistance in penetrating the military establishment.

Transition to democracy¹¹

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 (in 1974 and 1981), 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, 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 system that was difficult to control would result in the demographic majority of Hutu emerging as a political reality.

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 remarkable 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.¹² Thus, for example, 'the government [shall] be composed in a spirit of national unity, taking into account the diverse component parts of the Burundian population' (Article 84); likewise, the lists of candidates for the parliamentary elections 'shall be composed in a spirit of national unity, taking into account ... [etc.]' (Article 101).

After the promulgation of the law-decree on political parties in April 1992, the practice of multi-partyism started to take shape. Although the recognition of parties was subject to stringent conditions – which meant that some organizations were forced to change their programmes, and even their names – seven opposition parties were operating legally by the end of the year.¹³ During 1992–3, the government declined to set up a transitional regime or to hold a national conference as elsewhere in French-speaking Africa. 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 moment of truth. Although the opposition parties insisted on a later date, President Buyoya, who mistakenly believed he would emerge as the winner, announced in early 1993 that the presidential elections were to take place on 1 June, followed by National Assembly elections on 29 June.

During the run-up to these deadlines, two realities soon emerged. 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 challenger to the entrenched rule of UPRONA because of its successful recruitment campaign nationwide, its organization, the commitment of its members and the undeniable charisma of its leader Melchior Ndadaye. In addition, many sympathizers of the outlawed PALIPEHUTU saw FRODEBU as a valid legal alternative to further the Hutu cause. 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 realizing the considerable ground that the new party was gaining, UPRONA embarked on a campaign which attempted to discredit FRODEBU, accusing it of being an ethnic organization of Hutu, and even the 'legal arm' of PALIPEHUTU. Indeed, some Tutsi who had joined FRODEBU were even physically intimidated by UPRONA supporters in order to make such 'traitors' quit that party. This was a paradoxical and counter-productive policy, not only because it was contrary to the spirit of the Charter of National Unity and thus to UPRONA's own ideology, but also, and more importantly, because it strengthened the view that UPRONA was Tutsi and that FRODEBU was Hutu, which – given the relative demographic weights of the ethnic groups – could only play into the hands of FRODEBU. Although this was contrary to the latter's stated policy, some local propagandists capitalized on this feeling, making their constituents understand that FRODEBU was the only efficient defender of Hutu interests. In particular, those local FRODEBU leaders who were in reality PALIPEHUTU militants increasingly manipulated ethnicity as the campaign proceeded.

Although some outspoken members of FRODEBU were the victims of harassment, arrest and even physical violence by local authorities, and while the government-owned media were far from impartial, the electoral campaign was relatively open, with FRODEBU in particular drawing huge attendances at its meetings and rallies. As was to be expected, the other opposition parties were hardly visible, except in the home areas of some of their main leaders.

The 1993 elections

The ballot

Three presidential candidates were put forward to the electorate. The incumbent Pierre Buyoya's bid was supported by his own party, UPRONA, and by the Rassemblement Démocratique pour le Développement Économique et Social (RADDES), a small satellite organization. The main challenger, Melchior Ndadaye, was put forward by his own party FRODEBU, as well as by the Rassemblement du Peuple Burundais (RPB), the Parti du Peuple (PP), and the Parti Libéral (PL); the clear 'outsider', Pierre-Claver Sendegeya, was proposed by the royalist party, Parti pour la Reconciliation du Peuple (PRP). Given that ethnicity is of such obvious relevance, it should be noted that Buyoya, as a Tutsi, found himself faced by two rival Hutu candidates.

The elections of 1 June took place in a generally calm and dignified atmosphere, under the watchful eyes of about 100 foreign and 1,000 national observers. Apart from a number of minor technical problems, the operation was conducted in a fair manner. In a press release, one of the observer missions, the National Democratic Institute for International Affairs, confirmed:

'what the people of Burundi already know: the June 1st elections have been organized in an atmosphere of calm and transparency, thus allowing the free expression of the Burundian people in the choice of their new President'. (translated from French)¹⁴

There is, of course, a clear connection between the honest running of the elections and the result which surprised so many observers. Indeed, Ndadaye (64.75 per cent of the vote) decisively beat Buyoya (32.39 per cent). As was to be expected, Sendegeya (1.44 per cent) was never in the picture, and the remaining ballot papers were unmarked or void. The turnout was a massive 97.3 per cent of registered voters, a clear sign of the interest of Burundians in their first opportunity ever to determine who should be their head of state by means of a competitive election.

The picture which had emerged at the beginning of June 1993 was considerably reinforced and made more explicit at the end of the month during the legislative elections. Of the 10 recognized parties, only six eventually submitted lists of candidates to the electorate. Overall, 71.4 per cent voted for FRODEBU (up by more than 6 per cent on Ndadaye's score) as against 21.43 per cent for UPRONA (down by almost 11 per cent on Buyoya's score). Of the four other participating parties – the PRP, RADDES, the PP and the RPB – none reached 2 per cent nationwide, or even came close to winning a seat.

As Burundi used 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 papers. Since seats were apportioned to provinces in terms of their relative demographic weight (approximately one seat for 70,000 inhabitants), they ranged from nine for Gitega to two for Cankuzo. As a result the composition of the Assembly in July 1993 was as follows: out of a total of 81 seats, UPRONA held 16 and FRODEBU 65, or 80.2 per cent. Changes could only be made to Burundi's Constitution by a vote of four-fifths of the 81 deputies, and FRODEBU's overwhelming majority lifted it just over that 80 per cent threshold. In ethnic terms, the breakdown in the membership of the new National Assembly was as follows: 69 (about 85 per cent) Hutu and 12 (about 15 per cent) Tutsi. Of the latter, eight were FRODEBU and four were UPRONA, which meant that about 12 per cent of FRODEBU's members were Tutsi, compared to 25 per cent 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 per cent, should they feel that a proposed constitutional amendment threatened their vital interests.¹⁵

A demographic majority turned political majority

After having ruled in Burundi since 1965 without challenge, UPRONA was significantly weakened by losing the presidency and holding only a politically useless minority of under 20 per cent in the National Assembly. The former single party (*de jure* since 1966) had comfortably survived three coups and several massive killings, including one in 1972 which was of a genocidal nature, but was almost blown away by the first democratic exercise since 1965. This simply confirmed the fact that UPRONA had little or no popular support as a national party, being rather the instrument to legitimize and organize the monopolization of power in the hands of a small Tutsi elite. While UPRONA was the political facade for this 'legitimacy', the army was its physical base. The voters destroyed the charade of unanimity. What should have been an asset for Buyoya eventually turned out to be a major liability: the material and financial means of the state, the complicity of the administration and the official media and, above all, the support of a party supposedly well-organized and omnipresent. The association of Buyoya with these symbols of past injustice, violence and oppression undoubtedly put off many voters who might otherwise have recognized his qualities of statesmanship.

The same unravelling of one-party rule has occurred in other African countries, and there would be nothing extraordinary about this process in Burundi were it not for the country's particular ethnic composition and relations. Indeed, although some leading figures of UPRONA and FRODEBU were respectively Hutu and Tutsi, the former was perceived as a Tutsi and the latter as a Hutu party, while at the same time both claimed ethnic 'virginity'. Yet history explains these ethnic identifications. UPRONA has in the past been very much a party of and for the Tutsi minority, and only during recent years were Hutu co-opted into its leadership structure. FRODEBU, on the other hand, was created as a clandestine party in 1986, mainly as a response to authoritarian rule and human rights abuses under the Bagaza regime. Conflicts then carried a definite ethnic overtone, and the initial leaders of FRODEBU were Hutu, some of whom had been active in the political organization of refugees. More generally, the fact that the new party was challenging UPRONA, and therefore a long history of Tutsi rule, was in itself sufficient to qualify it as Hutu.

The 'ethnic' interpretation certainly gained in cogency from the presidential elections, and those for the National Assembly. When UPRONA's Tutsi candidate, Buyoya, obtained over 32 per cent, it was clear that a sizeable number of Hutu had voted for him; and because the support of at least some Tutsi for FRODEBU's Hutu candidate Ndadaye was well known, it was obvious that voting during the 1 June election had not been merely along ethnic lines. The further landslide by FRODEBU at the National Assembly elections, however, resulted in a distribution of seats (80 per cent versus 20 per cent) that came close to reflecting the demographic weight of the two main ethnic groups (85 per cent versus 15 per cent). Hence, for many members of the Tutsi elite, the spectre of the country's demographic majority being turned into a political majority became a reality, all the more so since the ethnic composition of the National Assembly fitted the 85 per cent/15 per cent breakdown almost exactly.

The new regime threatened

This was certainly the interpretation given to the electoral exercise by many in the Tutsi elite. They saw FRODEBU's victory as proof that a demographic ethnic majority had translated into a political majority and they feared that they would be victimized as the outcome of a vote that was seen as having taken place essentially on an ethnic basis. Indeed, FRODEBU's communiqué of 3 June, in which the winning party thanked the outgoing president and the armed forces, did little to alleviate those fears, despite its reference to 'a victory of the whole Burundian people and of all political forces adhering to democratic principles'.

These concerns were openly expressed when Tutsi students demonstrating in Bujumbura on 4 June claimed that the elections had in reality become an 'ethnic inventory of Burundi'; their slogans read '*Oui à la démocratie, non à l'ethnisation du pouvoir*' ('Yes to democracy, no to the ethnicization of power') and they demanded that the forth-

coming elections for the National Assembly be cancelled. These protests by students, later joined by school children and civil servants, continued for several days and led to violence which resulted in a few casualties, as well as seriously disturbing the school examinations. On 9 June, a petition was published by an organization calling itself 'Jeunesse en Quête d'une Démocratisation Adaptée aux Réalités du Pays' ('Youth in search of a democratization adapted to the realities of the country'), insisting that political life had been 'tribalized', and claiming that the 'pseudo-democracy' put in place 'automatically excludes the ethnic minority'.

However, a more serious threat was to come from the army, as most troops and almost all officers were Tutsi. A first attempt was made by a group of soldiers from Bururi during the night of 16–17 June, but it was easily suppressed. Another serious warning of discontent in certain Tutsi circles came on the night of 2–3 July, when a group of soldiers from a Bujumbura barracks attempted to seize the residence of the president-elect. After other units had failed to support their attempted coup, the leaders of the insurgents were arrested, including five high-ranking officers, and their action was condemned both by the outgoing president and by the army command. Although the outcome at first sight seemed reassuring in that the number of soldiers involved was limited, and they had been unable to muster much support, one of the arrested officers was President Buyoya's *Directeur de cabinet*, and the attempt in itself reflected the considerable discontent felt by some members of the ousted elite.

This was well understood by President Ndadaye, and his initial steps were cautiously aimed at building confidence. On the day of his inauguration, 10 July 1993, he announced the formation of a government of national unity. Out of a total of 23 portfolios, FRODEBU only held 13 (despite commanding a large majority in the National Assembly), while UPRONA had six, and the PP and the RPB (among the parties that supported Ndadaye's bid for the Presidency) one each; in addition, two army officers (classified as independent, albeit considered to be 'close' to UPRONA) held the Ministry of Defence and the State Secretariat for Internal Security. Looking at the cabinet from an ethnic angle, more than one-third (9 out of 23) of its members were Tutsi, as was the prime minister, Sylvie Kinigi (UPRONA). Another 'reassuring' element was the inclusion of five ministers from Bururi province, which had been the seat of power since 1965.

On the other hand, Ndadaye also showed that he meant to inaugurate a programme of change since no member of the outgoing cabinet was re-appointed. In addition, all provincial governors were replaced (14 of the 16 replacements were FRODEBU, one UPRONA, one PRP), as were the chiefs of staff of the army and the *gendarmérie*, as well as most ambassadors. Moreover, new personnel also took possession of many intermediate and lower positions in the civil service and in the local administration. In other words, while at the top the policy of 'power-sharing' (*intwari rusangi*) was continued, the occupation of the field by FRODEBU became more intense towards the less visible bottom of the pyramid.

The 1993 coup and its aftermath

A short grace period

For the new regime inaugurated on 10 July, 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 (generally very close to the former incumbents), the inertia and even sabotage of those in the army, the civil service and the judiciary close to UPRONA, and the control of most of the economy by the ousted elite. With the accession of FRODEBU to power, the return of Hutu refugees suddenly accelerated in a new political context, which gave rise to summary methods of land dispute settlement. The large influx of refugees overloaded the system and, in practice, the local authorities settled the land claims. This not only led to the eviction without due process of people long settled in refugees' 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 problem. 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 the posts. Although there was, undeniably, 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 wished to put to use. This being said, clearly a policy of increasing 'Frodebization' resulted in the failure to comply fully with certain recruitment rules, e.g. at the Military Academy (ISCAM), the National Police School (ENAPO) and the Centre for Postal Training. In particular, the use of a quota system per province during the selection of candidates for ENAPO caused a great deal of anxiety among Tutsi, because it was seen as a precedent for the recruitment of army troops scheduled for November. Likewise, in the administration at the national, provincial and local levels, many civil servants were replaced by new appointees who were not always the best qualified candidates.

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 privatization policy. However, many leaders in private business came from the public sector (former ministers, senior civil servants, superior army officers); of course they were almost all Tutsi. For the new government, therefore, there was a real risk that the privatization programme would allow the 'barons' of the former regimes to transform their past political power into economic power. It is understandable, under these circumstances, why the government wished to re-examine the conditions of privatization. A similar concern explains the decision to reduce drastically the deposit required from contractors in public tenders; this was to encourage small-scale Hutu businesses to compete in these markets. Another illustration of the distrust of the government with regard to commitments made by previous administrations was the suspension of privileges which the gold refining and export company, Affimet, enjoyed under the tax-free zone system. The anxiety which this measure caused among the business community was well reflected by a foreign consultant, who felt that the new regime 'does not have a clear understanding of the need to promote domestic and foreign investments'.¹⁶

A final illustration of the new government facing a state apparatus which it did not trust, was the emergence of a conflict with the judiciary, another bastion of Tutsi hegemony. The political importance of the Constitutional Court, in particular, was apparent from the start, as a dispute arose between the FRODEBU and UPRONA National Assembly parties after the election of a FRODEBU speaker, deputy speaker and secretary of the National Assembly. In a judgment of 2 August 1993 the Court found in favour of UPRONA, arguing that the Rules of the National Assembly, dating back to 1982, were contrary to the 1992 Constitution. Gilles Bimazubute, the deputy speaker, reacted vigorously, stating that the judgment was 'a useless provocation' and that the chair of the Court should resign.

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, Ndadaye was caught in a dilemma Buyoya had also experienced: for some he was going too far too fast, for others progress was too slow and did not meet expectations. This was inevitable after a long period of monolithic and authoritarian rule by a minority. Acts of political or simply criminal violence, insecurity of land tenure and the attendant tensions, and, above all, the

real or imaginary prospect of an imminent reform of the armed forces, increasingly upset the groups privileged under the former regimes, who, although they were a small minority, did have the monopoly of armed force. This discontent was the origin of the coup of 21 October 1993. In fact, this was just the most violent expression of resistance to change of those who had enjoyed privileges for three decades – resistance that had been visible since Buyoya embarked on his new policy at the end of 1988.

The coup and large-scale violence

During the night of 20–21 October 1993, several units of the army staged a coup d'état.¹⁷ President Ndadaye, the speaker and the deputy speaker of the National Assembly, and a few of Ndadaye's close associates were assassinated. There was a power vacuum. The government went 'into exile' in the French embassy, stating that it did not trust the army and that its security could only be guaranteed by an international military force. The army, while claiming since 23 October that it obeyed the constitutional authorities, in fact continued to operate outside 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 political forces of the opposition, in connivance with 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 UPRONA were immediately organized by local authorities (e.g. municipal administrators, hill chiefs); in other places, the violence was carried out spontaneously. The population started blocking roads and cutting bridges in order to prevent the military from moving into the countryside. Indeed, people knew from experience that 'restoration of order' by the Burundian army tends to be costly in terms of lost civilian lives. In many places, the Hutu population, often under the command of FRODEBU local authorities, started arresting Tutsi and members of UPRONA. While some were killed immediately, others were initially kept hostage; a large number were executed as soon as the news of Ndadaye's death broke. It appears that many of those most active in the killings were recent FRODEBU recruits who in reality belonged to PALIPEHUTU. Elsewhere, both the army and local Tutsi embarked on a killing spree, attacking Hutu and FRODEBU members without provocation. About 50,000 people were killed, more or less as many Hutu as Tutsi.

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, '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 the 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 Zaire or the neighbouring countryside.

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 to control 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 be one of the 'most successful failed coups' in history. The strategy deployed included attempts to destroy the legitimacy of FRODEBU by accusing it of being responsible for a 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 achievements of the coup. This strategy increasingly radicalized political life and progressively handicapped the search for a peaceful solution.¹⁸

The search for a settlement: from Kigobe to Arusha

The Government Convention

In an attempt to find a *modus vivendi*, the so-called Kigobe talks were held in early 1994. However, rather than addressing the real problems of the country, this process dealt with the distribution of offices and functions, a feature we will meet again later. This was an approach in which only FRODEBU could make concessions, and that is what happened increasingly. The Kigobe Accord was signed on 19 January 1994 by nine political parties. It was agreed by all but three small Tutsi parties (ANADDE, PSD and ABASA) that the successor to President Ndadaye was to be elected by the National Assembly, and a constitutional amendment to that effect was promulgated. The parties also agreed that the new president was to come from the ranks of FRODEBU and that Cyprien Ntaryamira was to fill the position. The prime minister was to be appointed after consultation with all political parties, and it was understood that he or she was to come from a party and ethnic group other than that of the president.

However, the implementation of the accord was jeopardized by the violence which accompanied the organization of 'dead city' days by small opposition parties in Bujumbura. During the next round of talks at Kajaga it was agreed that the president was to be inaugurated under the condition that the government be headed by a prime minister from the opposition and that 60 per cent of the ministers came from FRODEBU and its allies and 40 per cent from the opposition. Furthermore, the opposition was to be represented in so-called 'sensitive sectors' (intelligence, information, police); it would also obtain 40 per cent of the positions of provincial governors and municipal administrators. The so-called Kajaga Agreement of 4 February finally allowed the inauguration of President Ntaryamira the next day. Still dissatisfied, the most radical micro-parties rejected the accord and called for resistance against what they called a 'coup d'état'. The threat of urban street violence was renewed on the occasion of the formation of the government. When the new prime minister designate, Anatole Kanyenkiko (a Tutsi belonging to UPRONA), announced his cabinet on 9 February, its composition did not correspond to the wishes of the small opposition par-

ties, which were not offered portfolios. They threatened violence, and, only two days later, on 11 February, representatives of PIT, RADDES, PRP and Inkizo were appointed to government posts; at least two of the new ministers had been actively involved in the organization of the violence at the beginning of the month.

Not only was hooliganism thus seen as politically rewarding, but the composition of the government formed on 11 February explicitly confirmed the ethnic bipolarization of the political system: all the ministers from the opposition parties were now Tutsi, while – apart from two Tutsi from FRODEBU – those from the *mouvance présidentielle* (the presidential side) were Hutu. The way in which the government was formed, in two steps, under the threat of street violence and under the aegis of the army, expressed the deep political impasse. This episode also exemplified the profound rift between Bujumbura and the rest of the country: the whole power play took place in the capital, controlled by the army and by small extremist groups, in a way totally disconnected from the expectations of the vast majority of the rural population, whose electoral choice was disregarded and who had no say whatsoever.

Less than two months later, the country was again facing an institutional vacuum as a result of President Ntaryamira's death in the attack against the Rwandan presidential plane in Kigali on 6 April 1994. This allowed the opposition to claim new negotiations, and thus attempt to obtain further concessions from the majority. As the 'Novotel negotiations' proceeded, from July onwards, the opposition required more and more, going so far as to claim 60 per cent of positions in government in a document produced in August. A new agreement, finally signed on 10 September 1994, allowed for the designation of Sylvestre Ntibantunganya of FRODEBU as the new president. The 'Government Convention' was extremely far-reaching, not so much because the opposition increased its share in government to 45 per cent, but rather because the 1992 Constitution was effectively suspended and replaced by mechanisms which annihilated FRODEBU's electoral victory. In addition, it had supra-constitutional status, because 'the Constitution remains valid (only) insofar as it is not contrary to this Convention' (Article 6) during a transitional period which was to last

until 9 June 1998 (Article 7). The amendments to the constitutional structure were important and manifold: indeed, the Convention was the institutional translation of the October 1993 coup; the Constitution was shelved and the outcome of both the presidential and National Assembly elections was swept aside as the president and National Assembly were placed under the tutelage of a 'National Security Council', an unconstitutional body dominated by the opposition.¹⁹

From creeping coup to formal coup

While the creeping coup continued, the country became increasingly engaged in an expanding civil war. In June 1994, some leading members of FRODEBU created the National Council for the Defence of Democracy (Conseil National pour la Défense de la Démocratie – CNDD) and its armed wing, the Forces for the Defence of Democracy (Forces pour la Défense de la Démocratie – FDD). During 1995, between 15,000 and 25,000 people, mainly civilians, were killed. Most of the victims were Hutu, killed by the army and Tutsi militias, but the number of Tutsi victims started to increase in the second half of 1995, when the FDD and two older rebel movements, the National Liberation Front (Front National de Libération – FNL, an armed faction of the PALIPEHUTU party) and FROLINA (Front pour la Libération Nationale) stepped up their actions.

In the meantime, the institutions were increasingly paralysed. When the cabinet was reshuffled on 12 December 1995, FRODEBU and its allies were left with only 11 out of 26 portfolios, a paradoxical situation for a party holding 80 per cent of seats in the National Assembly. Numerous FRODEBU officials at the local, provincial and national level were in jail or in exile, and the party was unable to carry out anything resembling normal political activities. The radicalization and fragmentation of the political landscape led to a total breakdown: president and National Assembly were impotent, the cabinet was divided and unable to formulate and implement coherent policies, and the army effectively controlled what little state power remained in the country. Thus, rather than bringing stability, the Government Convention resulted in the total paralysis of the institutions, blocked by discord and the progressive privatization of state functions.²⁰

When, on 25 July 1996, the army staged a new coup and restored former President Buyoya to power, this in effect confirmed the existing situation. While the countries of the region reacted by imposing an embargo on Burundi, Buyoya was to move slowly and cautiously towards negotiations. 'Reflection seminars' were organized throughout 1997; discreet meetings were held in Rome with the CNDD-FDD; in August 1997 a 'Peace Process Minister' was appointed; in October 1997, Prime Minister Ndimira presented a plan for re-launching the peace process to the National Assembly. However, the regime refused to participate in a meeting called on 25 August 1997 in Arusha by

former Tanzanian President Nyerere, who was entrusted with a mediation mission by the regional leaders. As most Burundian political forces across the political spectrum were present, this isolated the government which was eventually dragged into the process.

The Arusha negotiations

The year 1998 saw the actual beginning of the Arusha negotiations.²¹ After concluding a political partnership, the formal swearing in of President Buyoya and the installation of a new government, the regime felt it was now in a position to take up the invitation of the mediator Julius Nyerere. The first round of talks, from 15 to 21 June 1998, brought together 17 delegations from Burundi.²² Some of the, mainly Tutsi, micro-parties consisted of no more than their leader with a few friends and relatives. In addition to offering a semblance of legitimacy to radicals without much of a constituency, this contributed to the complexity of the process. Although, at the beginning of the talks, the exchanges remained at a rather general level, the participants paved the way for the future discussions. First, they committed themselves to 'undertake serious negotiations until a fair and sustainable solution to the crisis in the country is reached', and 'to resolve the Burundian conflict by peaceful means and to put an end to all forms of violence'; therefore, 'all armed parties in the conflict declare a cessation of hostilities beginning July 20, 1998, at the latest'. These general commitments were followed by the identification of the issues which were to form the subject of negotiations. They constitute a fairly complete list of issues to which solutions should be found.²³

The decision was taken to entrust the study of each of these issues to a committee, whose presidency and composition would be decided during the subsequent rounds of negotiations. Nevertheless, while setting the agenda constituted an important step, in stark contrast to previous efforts,²⁴ the reservations expressed not only by the government but also by the 'Tutsi' parties (UPRONA, AVINTWARI, INKINZO, PIT, PRP and PSD), clearly indicated that a real consensus was far from being reached. Thus, for instance, the government's reservations concerned the location of the next meeting, but more so the reference made to 'armed parties' when the issue of suspending hostilities was raised: the government made it clear that this mention only related to 'armed factions' and did not concern the Burundian army.²⁵ Since, for its part, the military wing of the CNDD-FDD,²⁶ which was not involved in the talks, did not consider itself as being bound by any ceasefire arrangement, the chances of a cessation of hostilities were rather slim, and, in fact, even after the agreed date of 20 July, the fighting continued and involved parties such as FROLINA and PALIPEHUTU²⁷ which were present in Arusha.²⁸ The non-inclusion of some armed groups, in particular the FDD, was to prove a fundamental handicap throughout the process.

This did not impede the continuation of the negotiations. A second round of talks took place between 20 and

29 July: no spectacular progress was made, but a relaxed atmosphere allowed the adoption of procedural rules, an initial debate on the nature of the conflict and agreement on the dates for the third round. The government also initiated steps to convince Nyerere, who was adopting a legalistic attitude and only recognized Léonard Nyangoma as the president of the CNDD-FDD, to bring the dissident armed wing, FDD, under the leadership of Colonel Jean-Bosco Ndayikengurukiye, into the negotiations. The issue of the sanctions imposed by the countries in the region was raised, but not debated. The third round brought the participants together from 13 to 22 October. An agreement was reached on the composition and the presidency of most of the committees: each committee comprised 18 members, one representative per delegation admitted to the negotiations;²⁹ the presidents were the Reverend Matteo Zuppi from the Sant'Egidio Community, the South African professor Nicholas Haysom, the Mozambican politician Armando Emilio Guebuza and Georg Lenkin, director at the Austrian Ministry for Development Cooperation (the presidency of the committee on guarantees for the implementation of the accord resulting from the negotiations was temporarily left vacant).

The fourth round took place from 18 to 23 January 1999 and only brought very limited progress, an omen of a process losing momentum. Now that the participants were to deal with concrete issues, contradictions became increasingly difficult to overcome and the positions of the various parties remained fixed, for example, on the delicate topic of reforming the security forces. Although it was agreed that the committees would continue working in order to present reports to a plenary session scheduled for June, there were increasing doubts about the willingness to arrive at a negotiated settlement. In a very Burundian way of doing business, characterized by the 'unsaid' and the 'almost-said', there were perpetual retreats and questioning, constant strategic re-positioning and the further fragmentation of the internal and external political landscape, the impression increasingly being that of a process in which the Burundians pretended to talk, with the international community pretending to believe they did.³⁰ In addition, the large number of international and regional, bilateral and multilateral, governmental and non-governmental 'mediators' and 'peace-makers', and the lack of coordination between them, have hampered rather than helped the process.³¹ However, the close of the fourth round coincided with an important victory for the Burundian government. The seventh regional summit on Burundi, which took place in Arusha on 23 January, decided to lift the economic sanctions imposed on Burundi at the end of July 1996. The joint communiqué specified, however, that 'the lifting of sanctions could be reconsidered bearing in mind the progress made in the negotiations'.

The risk of failure loomed increasingly. The high number of participants and the fragmentation of the political landscape were not the only reasons, and some Burundian actors doubted the chances for success: former president Ntibantunganya expressed the view that the

negotiations should be conducted between two groups, those who hold power today and those who lost it after the coup in 1996;³² another former president, Jean-Baptiste Bagaza, stated that the prerequisites for meaningful negotiations had not been met.³³ The positions on the delicate topics of power-sharing and the security forces remained very divergent, while the same was true for the interpretation of the country's history: Hutu and Tutsi blamed each other for genocide. The mediator became irritated by these impasses and viewed progress as being too slow: 'I would not be telling the truth if I told you that I am pleased with the progress made to date.'³⁴ In order to maintain pressure, he attempted to convince donors not to resume aid, which led to frustration on the part of the Burundian government and to a hardening of positions, especially on the Tutsi side.

Julius Nyerere died on 14 October 1999. After showing a great deal of reluctance, Nelson Mandela accepted his appointment as the new mediator by a regional summit held in Arusha on 1 December 1999. His style was distinctly different from that of Nyerere. More direct and impatient than his predecessor, Mandela insisted on the direct involvement of the rebel movements in the talks, and he severely challenged the Burundian political class on its 'inflexibility': 'The daily slaughter of men, women and children is an indictment of every one of you ... The lack of urgency is an indictment of every one of you.'³⁵ On 24 January 2000, he condemned Burundi for the continued detention of hundreds of thousands of civilians in 'concentration camps', a reference to the massive regroupment of civilian populations.³⁶ On 21 February, he said that Burundi would not return to peace if the Tutsi maintained a monopoly of power in politics, the military and the economy: 'This situation cannot continue.'³⁷ While Mandela's previous statements already caused some grumbling, this time eight Tutsi-dominated parties reacted angrily. In a declaration made public on 23 February they stated that Mandela's comments 'do not correspond with the social and historical reality of Burundi' and that 'this thesis is dangerous in so much as it runs the risk of justifying the continuation of the genocide against the Tutsi'.³⁸ Undeterred, the mediator continued to speak his mind in less than diplomatic language. On 25 March, he strongly criticized the Burundian government on the fate of political prisoners and the 'regrouped' populations:

*'Some are languishing in jail because they do not agree with the head of state ... Others are in regroupment camps that the United Nations has described as not fit for any human being to live in ... That is a situation that is totally unacceptable to a person as me, who has spent 27 years in jail.'*³⁹

While some Tutsi groups (such as the Mukasi wing of UPRONA and the organization AC-Génocide Cirimoso) had already openly opposed the peace process in the past, Mandela's strong views reinforced this resistance. On 7 February, Tutsi organizations demonstrated in Bujumbura; a document published on 26 February by the government, while couched in cautious and ambiguous terms,

contained a warning to the mediator: 'No solution will be imposed or precipitated ... The government intends to play its leading role.'⁴⁰ A worse omen still, on 3 April, five organizations of the radical Tutsi opposition vowed to take up arms to fight any agreement with the 'authors of genocide'.⁴¹ For their part, the FDD and FNL rebel groups also remained very reluctant to commit themselves unreservedly to the search for a political settlement.

Insecure outcome

Clearly, many obstacles remain on the road to peace. The resistance of certain small but powerful groups in Bujumbura is one, the situation in the Congo is another. The siding of Burundian rebels, the FDD in particular, with Congolese President Kabila and his allies⁴² tempts them to believe that they can remove the Burundian regime by force. In addition, the constantly shifting geopolitical landscape, demonstrated, for example by the Rwandan-Ugandan conflict, affects the predictability necessary for negotiations to be held in good faith. Because of constantly emerging obstacles, deadlines set for the signing of the accord were postponed on several occasions, adding to increasing donor fatigue. Moreover, some 'professional negotiators' have an interest in prolonging the process. The Human Rights League Iteka has calculated that, by saving on the daily allowances, delegates can 'earn' their normal income for five months in just one week's attendance at Arusha.⁴³ While progress has undoubtedly been made,⁴⁴ the slow pace, the lack of trust and genuine commitment, the constant challenges, and the constant shifting of the political landscape threaten the process and irritate regional and international observers. Finally, the Rwandan (Arusha 1993) and Angolan (Lusaka 1994) precedents serve as a warning of the consequences of the peace accord breaking down.

These fears materialized during what Mandela hoped was to be the last round of talks in July 2000. While the mediator announced that the accord was to be signed on 20 July, it became clear that agreement was lacking on a number of major issues, such as the organization of the transition, the electoral process, the reform of the army and the presence of international peace-keepers. Mandela grudgingly accepted the need for new consultations, but announced that the accord was to be signed on 28 August. During the days preceding the ceremony, it was obvious that, while the Hutu parties by and large agreed with the terms of the proposed text, the Tutsi parties and the Burundian government had grave misgivings. US President Clinton was called in to exert pressure and, on 28 August, 13 of the 19 negotiating parties signed the accord. Although several of the six Tutsi parties who initially refused did sign during the following days, most of the Tutsi parties and the government expressed reservations on points that are so important that part of the accord is emptied of substance. In addition, as the rebel groups were not present, no ceasefire agreement was negotiated, and the Burundian army expressed grave dissatisfaction

about the integration of rebel forces. The implementation of this complex accord by parties who profoundly distrust each other would be difficult in itself, but the implementation of what is, to some extent, a non-accord may well prove almost impossible. On the other hand, the 28 August signing could be one step in an ongoing process. Only the future will tell, but the possibility of the violent rejection of an agreement, perceived as imposed by those who feel implementation is contrary to their interests, cannot be ruled out from the outset.⁴⁵

Not just Hutu and Tutsi: disadvantaged groups in society

Regions

Because of both history and the present, the notion of 'groups' and 'minorities' in Burundi tends to refer exclusively to Hutu, Tutsi and Twa. This is due to what the French historian Jean-Pierre Chrétien has called 'ethnic regression', i.e. the fact that all conflicts and divisions in Burundian society are reinterpreted in terms of the ethnic divide. Yet, other cleavages pit groups against one another. In fact, even the ethnic groups are not homogeneous categories. Thus, there exists an old antagonism between Tutsi-Banyaruguru and Tutsi-Hima, the latter being geographically concentrated in Bururi province and dominating the successive military regimes since 1965. This division even affects the armed forces, considered the 'bastion of Tutsi hegemony'. In a document released in early May 1999, a group of officers from provinces other than Bururi, commonly called 'Tiers Monde' ('Third World'), who constituted a 'Front d'Action pour la Vérité' (FAV, Action Front for Truth), challenged the 'injustice, regionalism and cult of mediocrity which was put in place a long time ago by the military leaders of Bururi'.⁴⁶ Even among the officers from Bururi, clan cleavages oppose the Bayanzi to the Bashingo;⁴⁷ likewise, the neighbouring Bururi municipalities of Matana and Rutovu are engaged in constant political competition. Regional antagonisms divide the Hutu as they do the Tutsi, so much so that some Hutu leaders from Bururi, e.g. Léonard Nyangoma, have been suspected by others of seeking alliances with Tutsi from their home province. FDD leader Colonel Ndayikengurukiye and the leader of the FRODEBU dissidents allied to the government, Augustin Nzojibwami, are actually brothers and both from Bururi. At the time of finalizing this report, there were suggestions that players from Bururi in both camps were trying to 'come to an arrangement'.⁴⁸

The rural/urban divide

Another major cleavage is that between urban and rural Burundi. While over 90 per cent of the population lives in the countryside, government policies and

budgetary allocations show a very strong urban bias. In the 1980s, Bujumbura and its hinterland absorbed 50 per cent of all public investment; this figure reached 90 per cent for social sector outlays. Total funding for the rural sector amounted to a mere 20 per cent.⁴⁹ Commenting on a villagization programme in the Imbo region, J.-C. Willame notes that 'many peasants were not the owners of the plots they received and they worked for (Tutsi) civil servants and political notables living in Bujumbura'.⁵⁰ FRODEBU's 1993 electoral programme,⁵¹ however, reflected a desire to initiate a redistribution in favour of the rural world. Investments in the primary sector (agriculture) were to reach 50 per cent of the state investment budget; tax incentives were to stimulate the agricultural sector; associations of farmers were to be encouraged; and an institution specialized in the funding of activities in agriculture and stock-breeding was to be put in place. It is impossible to tell whether these policies would have been effectively implemented, as FRODEBU was neutralized as a result of the October 1993 coup; at any rate, the civil war and attempts to put an end to it have taken centre stage since 1994 at the expense of structural policies. Also, it is not certain that the current leadership of FRODEBU is still committed to strategies aimed at redressing the balance in favour of Burundi's rural majority.

In addition, the rural populations have been the main victims of the violence during recent years. Most of the killings in October–November 1993 took place in the countryside, and the majority of the 50,000 killed were peasants and local elites (teachers, municipal leaders, shop keepers, etc.), Hutu and Tutsi alike. Again, most of the 200,000 people reportedly⁵² killed during the following years were rural populations. When the government embarked on a 'regroupment' policy in early 1996, this was, once more, essentially targeting the rural areas. While some 'regroupment camps' – officially aimed at protecting the population, but in reality an anti-insurgency strategy – have been closed, more have been opened. At the end of 1999, over 800,000 people were thus 'regrouped'; of these, about 350,000 were confined to camps in the province of Bujumbura Rural, which amounted to a staggering 80 per cent of the province's population.⁵³ Adding up the 'regrouped', the 'displaced' (Tutsi concentrated under military protection) and the refugees abroad (almost all of

them Hutu), about 20 per cent of the Burundian population was not living in its original homes. Even though most of the camps in Bujumbura Rural were closed by the end of July 2000, this serves as a measure of the tragedy of this country. In the 'regroupment camps', which Nelson Mandela has called 'concentration camps', rural people suffer malnutrition, untreated illness, killings and other abuse by the army.⁵⁴ Clearly, those entrusted with implementing the peace accord agreed at Arusha will have to come to terms with the overwhelming majority of its population.

Gender

Women in Burundi, as elsewhere in Africa and the world, are another massively disadvantaged group. While they constitute over half the population, they are discriminated against in all spheres of society: politics and the civil service, the economy, education, the justice system. The under-representation of women in the political institutions has actually worsened as the crisis has deepened. Only one woman holds office in the current transitional government, and her portfolio is a 'typically female' one carrying little political weight (she is in charge of social action and the promotion of women). Ten women sit in the transitional National Assembly out of a total of 121 members, i.e. a mere 8 per cent. Perhaps even more significantly, not one single woman was part of the teams participating in the Arusha negotiations, where the future of the country was debated.⁵⁵

Yet women have borne the brunt of the conflict. As more men than women have been killed or jailed, or have joined the rebel movements, most single-parents are women, who must ensure their families' survival in extraordinarily harsh circumstances. With the government army and rebel groups engaged in operations country-wide, women are also exposed much more than in peacetime to the risk of being raped. Data are hard to come by, as Burundian culture – like many other cultures – discourages complaints by the victims of sexual aggression.⁵⁶ However, research carried out by the International Rescue Committee's (IRC) Sexual and Gender-Based Violence Program⁵⁷ shows a high prevalence of sexual and other forms of violence against women.⁵⁸ In a survey of 339 women in Kanembwa refugee camp (Tanzania), 27 per cent said they had experienced at least one incident of rape during the conflict. In the regroupment camps too, women and girls are frequently subjected to rape and other forms of sexual abuse by government soldiers and rebels.⁵⁹ While they are not seen as a direct threat to the enemy, women are also targeted for their role in reproducing their ethnic group. Specific methods of killing, such as slitting of throats and disembowelment, particularly of pregnant women, aim at eliminating 'enemy' children. The threat of violence even follows women from the conflict to their place of refuge. Many report an increase in forced marriages, and in domestic violence, as a result of the loss of family and community structures that offered them some degree of protection in Burundi;

also tensions arise over scarce resources, such as camp food rations.

Girls constitute between 40 and 45 per cent of the pupils in elementary and secondary schools – already lower than their proportion in the population of school-going age – but this rate drops to around 25 per cent in higher education. In addition, women remain disadvantaged in certain legal matters, particularly in the area of inheritance, which is still regulated by the male-biased customary law. In particular, the issue of access to land rights, which women cannot directly hold at present, will need to be addressed in a context of changing gender relations (women performing 'men's functions') and possible gender imbalance (more women than men) as a result of years of conflict and displacement. Although the government has published two reports on the status of women in August and December 1999, the Human Rights League Iteka deplores the:

*'total lack of directives and mechanisms to implement the recommendation contained in the general programme of the transitional government adopted in November 1998 which stipulated that all sectoral policies of the ministries should include policies aimed at the promotion of women.'*⁶⁰

Of course, gender discrimination is not only attributable to the state. Custom plays a part, as well as short-term economic considerations: many parents, including mothers, prefer girls to contribute to household work rather than to enjoy formal education. Some girls even fear that they will 'grow old at the school desk' if they engage in long periods of study.

The Twa

The ethnic group that is worst off is also the one hardly ever mentioned in the debate on Burundi. The Twa number less than 1 per cent of the total population; while they are the earliest known inhabitants of Burundi and self-identify as 'indigenous', they are marginalized socially, culturally, economically and politically, and despised by Hutu and Tutsi alike, who will generally not share a beer or a meal with them. Even in normal times, the major issue confronting the Twa is discrimination, which takes the forms of negative stereotyping, segregation and denial of rights.⁶¹ Their access to resources essential for their economic activities is increasingly limited: land for cultivation, clay for pottery, forest for hunting and gathering (including medical herbs), lakes for fishing. Likewise, state-provided resources are less accessible to the Twa than other groups; these include health care, justice, jobs and education. Limited access to the latter, being an avenue of social promotion, is a particular handicap for the promotion of Twa rights. As those with a full secondary education represent less than 0.5 per cent of the Twa population,⁶² it is hardly surprising that so few reach a position where they can fully participate in public life: no Twa has ever been a member of government, an army officer, an executive civil servant,

a judge or prosecutor, or a university teacher. One of the few who did emerge, Stanislas Mashini, a former executive member of the opposition party RPB, was sentenced to death and executed on 31 July 1997, after a trial labelled 'grossly unfair' by Amnesty International.⁶³ The government seemed to attempt to redeem itself through the appointment of Mashini's widow, Libérata Nicayenzi, as a co-opted member of the transitional National Assembly in July 1998; she is the only Twa in the 121-member Assembly, and the first Twa MP ever.

The Twa have been particularly vulnerable in the context of violent conflict in the Great Lakes Region. During the 1994 genocide in Rwanda, they were targeted by both Hutu extremists and the Rwanda Patriotic Front (RPF). As they do not fit into the Hutu-Tutsi bipolar divide, they are forced to 'take sides' in Burundi too, and as a result become the victims of killings by both camps in a war that is not theirs.⁶⁴

Cross-cutting cleavages

The fact that groups other than Hutu and Tutsi – regional groups, clans, peasants, women, Twa – have objective interests which transcend the Hutu-Tutsi divide could be an asset for Burundi. Indeed, here are cross-cutting cleavages waiting to be articulated: there are Hutu and Tutsi peasants and women, there are Hutu and Tutsi living in the same disadvantaged regions, the clans are multi-ethnic. The bipolar ethnic divide, which in Burundi and elsewhere⁶⁵ proves difficult to manage peacefully, would become more multipolar and easier to accommodate. It would also allow the real issues, which have been obfuscated for years by the prominence of the ethnic conflict, to be put on the political agenda. As the ethnic divide is essentially kept on the agenda by a small minority of urban elites, such a shift of attention would also allow the issues confronting the vast majority of Burundians to be addressed.

Reforming the state

The issues confronting the negotiators in Arusha, which will eventually have to be addressed by whoever is entrusted with governing Burundi, relate to the proper functioning of the state in such a fashion that no citizen feels left out. Among others, these issues are democracy, the rule of law and respect for human rights; the security apparatus; education and health; and the management of the economy.

Democracy, the rule of law and human rights

Experience of democratic government is very limited in Burundi: apart from the period 1961–5 and the few months between the elections and the coup of 1993, the country has been governed by regimes without an elective mandate, and at times by brutal dictatorships, since independence. As already mentioned, the ethnic equation creates a situation where the demographic majority constantly threatens to translate into a political majority, a prospect which is naturally resented by the Tutsi elites who have dominated the state and the economy since 1965.

Therefore, inspiration might be sought in consociational techniques used elsewhere, which attempt to correct the effects of a strictly majoritarian system. While some authors have claimed that a democratic system cannot function in plural societies, Arthur Lewis has challenged that view. According to him, it is not democracy that fails in these societies, but a particular form of democracy, namely majoritarian democracy.⁶⁶ In more general terms, A. Lijphart has summarized this argument as follows:

*'In plural societies, therefore, majority rule spells dictatorship and civil strife rather than democracy. What these societies need is a democratic system that emphasizes consensus instead of opposition, that includes rather than excludes, and that tries to maximize the size of the ruling majority instead of being satisfied with a bare majority: consensus democracy.'*⁶⁷

Pacification mechanisms include forms of joint decision-making and the use of a minority veto in certain matters, arbitration procedures, grand coalitions, proportional distributions of posts and so on. However, consociational arrangements, like those used in countries like Switzerland and Belgium, cannot be exported. A number of favourable conditions identified in the consociational literature, such as the existence of sufficiently strong cross-cutting group affiliations and elite accommodation, may not be present in Burundi. It should also be borne in mind

that in the successful European models, accommodation has come first and constitutional entrenchment only later, if at all. Therefore, some reservation has to be expressed about the effectiveness of constitutional rules if they are not preceded or at least accompanied by the willingness of the political players to pay a price for peace. It is not realistic to believe that unity can be legislated into existence.⁶⁸

The Burundian situation offers two additional difficulties. The first is that territorial devolution is precluded by the fact that there are no Hutu or Tutsi areas. Historically, the ethnic groups have lived side by side, and only recently has the violence caused some – hopefully temporary – segregation.⁶⁹ A second problem relates to the identification of 'groups', necessary in an institutionalized system of minority protection. This would require the registration of people according to their ethnic origin, a measure that might rigidify and possibly exacerbate ethnicity rather than diminish its salience. The risk of perpetuating the ethnic divide is obvious.

Opinions on this issue naturally differ widely. The Hutu-dominated parties in Arusha favour the one person-one vote system, while the predominantly Tutsi parties advocate indirect electoral systems which they expect would dilute ethnic voting. PARENA and PRP even favour a system of community voting in which Hutu and Tutsi would organize elections within each group. This application of the 'two peoples, one nation' vision to which these parties adhere would, of course, create subnationalities, an option which effectively institutionalizes ethnicity as the main, if not the only, politically relevant variable.⁷⁰ It also leaves the Twa and the naturalized Burundians out in the cold. Other means to alleviate the majority principle advocated in Arusha are the introduction of the (suspensive) veto, the requirement of higher than 50 per cent majorities and the institution of a Senate⁷¹ or a High Council of the State. While mechanisms of that kind – which are in fact consociational – may be helpful, they will not by themselves eliminate the fears and frustrations inherent in the situation of Burundi.

The prominence of ethnic considerations leads to two dilemmas with regard to democracy. The first is the relation between democracy and genocide. Many Tutsi feel that democracy was at the origin of the crisis of late 1993 and that a democratic system, seen as 'rule by the Hutu', contains the constant threat of genocide against the Tutsi. This opinion ignores the fact that it was not democracy, but rather the lack of it, which caused the violence. It also masks the reality that both Hutu and Tutsi have been killed on a massive scale, and that fighting genocide is, therefore, in the common interest of all Burundians. The second is the relation between democracy and ethnicity. As already stated, the introduction of ethnic quotas and other mechanisms based on ethnic belonging rigidifies

and perpetuates ethnicity as the most relevant political variable, which in the long run may not be in the interest of those, the Tutsi, whom these schemes are supposed to protect. In reality, demands for the 'protection of the Tutsi' are often part of a strategy developed by small Tutsi parties, who know that they do not have the slightest chance in a ballot, to claim a share in power.

These dilemmas translate elite concerns, thus masking the nature of the relations between politicians and the populations they supposedly represent. These relations are generally distant, authoritarian and paternalistic: urban rulers claim to know what is best for rural populations, but in reality they are engaged in power politics played out in Bujumbura (and its extraterritorial extension Arusha) in total disconnection from the rest of the country. Most parties lack even a genuine urban base and are instruments for the promotion of personal and sectarian interests. Therefore, creating a viable political system will require more than accommodating elite ethnic concerns and claims; it will need to include all Burundians as citizens, actively concerned by and involved in running the affairs of state.⁷²

To achieve this, upholding the rule of law will prove at least as important as mechanisms of power sharing. Amnesty International observes that most of the people detained are Hutu and that the members of Tutsi militia generally escape prosecution and punishment.⁷³ Moreover, in the few cases where the military has been prosecuted, double standards continue to operate:

*'While hundreds of people, convicted of participation in the massacres of mainly Tutsi civilians which followed the assassination of President Ndadaye have received long prison sentences or the death penalty, the few soldiers who have actually been convicted of similar offences have received substantially lower sentences, often of only a few months.'*⁷⁴

The chiefs of mission of the European Union in Bujumbura reached a similar, and indeed severely worded conclusion:

*'The judicial system thus dispenses a biased justice which favours the Tutsi minority over the Hutu majority ... The prison population is essentially composed of Hutu, who are the victims of a selective principle from the start of the procedure. Together with the army, Justice is the main instrument of ethnic discrimination.'*⁷⁵

Indeed, the ethnic breakdown of the judiciary is telling: only four out of a total 49 leading judges and prosecutors are Hutu.⁷⁶

This is now widely acknowledged by the Burundian government and the negotiators in Arusha. The platform of the political partnership agreed in June 1998 states that 'ethnic imbalances exist in certain judicial sectors ... In order to achieve the necessary corrections, a programme of adequate promotion and training will be put in place'.⁷⁷ Similarly, all parties in Committee II on democracy and good governance at the Arusha peace talks agreed on the necessity to reform the justice system, and to ensure a

substantial increase of the access of Hutu to judicial office. Achieving this is likely to be easier than reforming the army, which will need to be substantially trimmed down. Indeed, the judiciary is grossly understaffed, under-equipped and under-funded, which makes the injection of new resources, including in the form of Hutu personnel, an obvious policy option which does not need to be implemented at the expense of the (Tutsi) incumbents. The intake of Hutu students at the Law School of the University of Bujumbura and in para-legal training programmes will have to increase substantially.⁷⁸

Of course, getting more Hutu into the system does not in itself guarantee the improvement of justice, which – even apart from the ethnic imbalance – is of poor quality. The government has formulated an ambitious plan of reform,⁷⁹ and a new code of criminal procedure, which offers more guarantees to defendants and detainees, came into force on 1 January 2000. The appointment of former Justice Minister Gérard Ngendabanka of FRODEBU as General Prosecutor at the end of 1998 showed the willingness of the government to tackle some of the issues. Ngendabanka instructed the district prosecutors to visit the prisons and look into cases of inmates held for years without having appeared before a judge; he also asked prison directors only to accept people whose arrest papers are in order. Hundreds of prisoners were released and the situation of those on death row improved, at least in Bujumbura's Mpimba prison.⁸⁰ In addition, over recent years, two organizations of civil society, the Human Rights League Iteka and the Association Burundaise pour la Défense des Droits des Prisonniers (ABDP), have developed strategies aimed at improving the performance of the criminal justice system and the condition of detainees. In 1999, the International Committee of the Red Cross (ICRC) was able to resume its work in the prisons, thus contributing to a decline in the appalling death rate.

However, the implementation of many other much-needed measures will require human and material resources for which budgetary allocations are not available at present. At a general level, the judiciary which – through the membership and powers of the *Conseil supérieur de la magistrature* – is controlled by the executive, must be made independent from formal (government) and informal (corruption, ethnic and other bias) interference.

A more democratic political system and a functioning justice system would almost automatically lead to an improvement of the human rights situation, which has been dire for many years.⁸¹ Most basic rights, including the right to life, are massively violated, routinely and on a daily basis. Almost 10,000 people are detained for real or imaginary politically inspired crimes, while the penitentiary capacity is about 3,600. At the going rate (436 judgments rendered in 1999), it will take 25 years to process the cases of those who have already spent several years in pre-trial detention; the vast majority of them never came before a judge who, under Burundian law, must decide on their continued custody. Moreover, death sentences are on the increase: 47 in 1998, 90 in 1999; during January

2000 alone, 28 capital punishments were pronounced, 'virtually all after unfair trials'.⁸² In addition, people detained in local lock-ups and police facilities are subjected to torture and 'disappearance'. A democratic and inclusive political system would not engender such abuse and a competent, honest and impartial judiciary would not let it go unpunished. As impunity is the rule rather than the exception in Burundi, and given the extreme gravity of the crimes committed, the extension of the jurisdiction of the International Criminal Tribunal for Rwanda or the setting up of an *ad hoc* international court for Burundi would make sense, a proposal on which most negotiating teams in Arusha agreed in principle.⁸³ However, the effective functioning of both domestic and international justice may well be resented and sabotaged by those who have in the past enjoyed immunity for their crimes.

The security apparatus

The future of the armed forces is such an important issue that one of the committees in the Arusha talks deals exclusively with peace and security. This is natural, given the history of Burundi. Most Tutsi consider control of the army as an essential life insurance policy, a conviction that has become even more compelling since the genocide of the Tutsi in Rwanda in 1994. For most Hutu, the Tutsi-dominated army is a constant threat; in their view, the military have not only killed vast numbers of Hutu, but they are also the physical instrument of Tutsi domination. Both positions are based in reality, which makes the search for a compromise difficult, particularly as this is literally a matter of life or death.

However, there is now a consensus that the security forces must be reformed. The government and the army even accept that the armed forces should include 50 per cent Hutu and 50 per cent Tutsi, although in their view this does not mean that the Hutu contingent must be the integrated elements of the rebel forces. As with some institutional arrangements, the 50/50 arrangement again raises the issue of the perpetuation of ethnic subnationalities. In contrast to reforms in the judicial system, the integration of new elements in the army will inevitably be at the expense of troops and officers presently serving, the more so since the Burundian army has grown considerably in recent years: reducing a force that probably numbers about 40,000 to a manageable and affordable peace-time force of under 20,000, as well as reserving 50 per cent to new recruits will require the demobilization of tens of thousands of men. This is likely to cause resistance and will, at any rate, be very expensive in terms of demobilization premiums and re-training for civilian occupations.⁸⁴

Two other related issues give rise to debate. Most Hutu parties want to separate the *gendarmerie* (national police) from the army; indeed, this was one of the decisions taken by the Ndaye administration when it came to power in July 1993; it was heavily resented in army circles and never implemented. Although many Tutsi fear that the *gendarmerie* would counterbalance the army, such a mea-

sure would make sense, as the *gendarmerie* is in charge of internal law and order, while the army is committed to the defence of the country's territorial integrity. A second issue is that of international supervision. Again, this is rejected by the Tutsi and the army; indeed, the prospect of the deployment of an international force was a major reason for the military coup of July 1996. Many Tutsi fear that a foreign military presence would result in the effective neutralization of the army. However, a candid interpretation of this position is that they wish to leave open the option of a coup d'état by avoiding the presence of players who could intervene in such a scenario. As they do not trust the army, and are particularly concerned about the delicate period of integration of new recruits, the Hutu, for their part, obviously insist on the presence of international peace-keepers.

Even though a credible international force would be desirable, resistance to it in Burundi will probably prove insurmountable; in addition, it is unlikely that the international community will be willing and able to gather the type and size of force needed to cope with Burundi's security needs. Therefore, the solution to this problem will probably be found in a compromise. First, physical protection will have to be offered to political leaders presently in exile, as they take up their positions in the transitional institutions. The *gendarmerie* would need to be trained in the specific skills of maintaining order in a peaceable way and with the appropriate equipment, which would require foreign assistance. This would ensure at least some unobtrusive international presence, which would not threaten Burundi's sovereignty, while at the same time giving some sense of security to the population. Similarly, the presence of international instructors in army units might help discourage would-be adventurers. Such a shift of focus from foreign intervention towards foreign assistance would conceivably be acceptable to all parties involved. This assistance could be offered by other African countries that have considerable experience of conflicts similar (though by no means identical) to those of Burundi. Thus, South Africa, Namibia and Zimbabwe have created new national armies, which, to a greater or lesser extent, have been able to inspire confidence among the population.

A final important point must be stressed with regard to the debate on the military. While, as already mentioned, the prominence of this issue is understandable in the light of Burundi's history, the outcome of the negotiations risks putting the security forces at the heart of the political system once again. It is paradoxical that a successful integration of rebel groups would turn the army into the cornerstone of a new political dispensation, to a greater extent, even, than it has been of previous regimes. However, Burundi not only needs a smaller and more balanced army, but also a military establishment that is professional and politically neutral. It must be transformed into a body of the state at the service of democratic institutions, without its own agenda. Only then will it avoid being the tool of factional and regional interests and thus become a truly national army.

Education and health

The civil war has badly affected the social sectors. While, between 1992 and 1997, defence spending soared from 8.1 billion Burundi Francs (FBu) to 21.1 billion, an increase of 160 per cent, expenditure on health decreased by 20 per cent from 2.6 billion FBu to 2.0 billion; expenditure on education increased only marginally by 8 per cent from 10.3 billion to 11.2 billion. Put in another way: health and education combined received 159 per cent of the defence budget in 1992, but only 62 per cent in 1997. The UNDP's Human Development Index shows the overall deterioration: in 1992, Burundi occupied 152nd place, but it had dropped to 170th place by 1997.

Even before the conflict erupted, education was a major political issue. In his preface to a recent report of International Alert, Bill Yates notes that exclusion starts with differential access to education, especially so in a society and economy in which state employment is virtually the only alternative to peasant agriculture, and education is the only path to such advancement.⁸⁵ Therefore, education has been a major instrument for the promotion of Tutsi hegemony in the civil service, the army and the judiciary. However, here as elsewhere, regional differences too are discriminatory. Six provinces, with about one-third of the population, have over half of the primary teachers. There are almost as many teachers in the province of Bururi as in the provinces of Cankuzo, Muyinga, Rutana and Ruyigi taken together. Net primary school attendance in 1996–7 was 44.17 per cent in Bururi, compared to a mere 6.15 per cent in Bubanza. Bururi and Bujumbura city account for 32 per cent of all secondary pupils, while these provinces represent only 11 per cent of the national population.⁸⁶ Similar imbalances affect higher education, a fact which explains the recent creation of a private university in the northern town of Ngozi.

While it was already in crisis before the beginning of the civil war, the education system has all but collapsed since. During the last 'normal' school year, 1992–3, 52 per cent of primary age children were at school, a very low proportion which plunged even lower to a mere 37 per cent in 1998–9.⁸⁷ The loss of teachers, through violent death, exile and internal displacement,⁸⁸ runs in the thousands. Hundreds of schools were destroyed, damaged or used for other purposes, such as sheltering displaced persons.⁸⁹

Like the justice sector, the education system will need a major injection of resources. This is essential, not just for the sake of a much needed improvement of this sector, but also as a means of ensuring peace. Better access for disadvantaged regional, ethnic and gender groups must not be provided at the expense of those who are now (relatively) privileged. A win/win strategy is required: Yates stresses that the cake must be made larger with significant new resources being allocated to even up the proportions.⁹⁰

The health sector has also been badly affected by the protracted conflict. Life expectancy at birth fell from 48.2 in 1992 to 42.4 in 1997. While the Aids epidemic and lethal violence partly account for this dramatic drop, the collapse of the health system in many parts of the country

has greatly contributed to the grave deterioration of health indicators. In 1993, an estimated 6 per cent of Burundi's children were malnourished; regional surveys conducted in 1996–7 show a 20 per cent rate. Seventy-three health centres out of a total of 351 have been destroyed since 1993. In addition, as in education, the provision of health care is very unevenly spread: for instance, 70 per cent of all doctors work in Bujumbura, while the provinces of Bubanza, Cibitoke and Karuzi have only one doctor each. The impact of the conflict on structural imbalances clearly shows: in 1993, Bujumbura had a 1,799 population-to-doctor ratio, compared to 43,922 for the rural areas; in 1997, these ratios were 1,319 to 67,769 respectively. The reasoning developed above for the educational sector applies equally to health provision: Burundians deserve more, and more evenly spread, services as a strategy of both reconstruction and reconciliation.

The economy

All macro-economic indicators have dramatically worsened as a result of the conflict, the massive decrease of international aid and, between mid-1996 and early 1999, the imposition of sanctions by the regional states. Real GDP fell by almost 20 per cent between the last 'normal' year, 1992, and 1998. A study by two economists shows that GDP per capita, which stood at US \$210 in 1990, would normally have reached US \$230 in 1997; due to the conflict, it actually fell to US \$140.⁹¹ In 1998, external debt service stood at 60 per cent of export revenue, compared to 42 per cent in 1992. The total balance of payments was +US \$24.7 million in 1992, but had dropped to -US \$25.3 million in 1998. Total bilateral and multilateral aid fell from US \$310 million in 1992 to US \$119 million in 1997, a drop of over 60 per cent. The budget deficit of over 30 per cent is financed by the printing of money, a practice which of course fuels inflation (the average basket of basic food has risen by 120 per cent between mid-1996 and early 1999)⁹² as well as leading to a deteriorating exchange rate (between 1992 and 1998, the value of the FBu to the US\$ fell from 208.3 to 435.2, a loss of over 100 per cent). From 1993 to 1999, per capita food production declined by 22 per cent; the study quoted above shows a spectacular regional correlation between the displacement of populations and a diminished production.⁹³

Even before the war, a small elite used the resources of the successive authoritarian regimes to exploit the state-controlled economy. As political power goes hand in hand with the maintenance of economic privileges, the sharing of power, let alone the loss of it, is not just a political threat to these Tutsi elites, but, above all, a challenge to their economic power. This became clear when structural adjustment imposed a policy of privatizations in the late 1980s and early 1990s. As most 'private' entrepreneurs came from the public sector (former ministers, top civil servants and army officers) and belonged to the Tutsi elite, privatization meant that economic control remained in the same hands. Further, those bidding for state-owned enterprises:

'expected the financial support of the state to allow them to acquire a privatized company. The public sector is thus supposed to fund its own privatization ... Clearly, for these "businessmen" used to a context of kinship ties, nepotism and protectionism, it is difficult to adapt to the laws of the market'.⁹⁴

We have seen earlier that attempts by the newly elected government in 1993 to address the issue of privatization and the economy more generally was among the principal reasons for the privileged of former regimes staging the October 1993 coup.

The war economy has generated a logic of looting, created new opportunities for making profits, for instance through speculation and by-passing the regional embargo, and engendered new categories of 'entrepreneurs of insecurity', including army officers, who cash in on the opportunities offered by regional war and instability.⁹⁵ In a declaration made on 4 December 1999, the ANAC, a grouping of parties opposed to the government, referred to army officers 'engaged in mercantile racketeering'. Even though his name did not appear in the document, the then Defence Minister, Colonel Alfred Nkurunziza, was amongst the officers targeted, as he was mentioned in relation to various illicit forms of trading, particularly in sugar. Since the beginning of the civil war, army officers and their civilian partners have controlled most of the 'survival economy' (beans, palm oil, sugar, rice, fuel), the import-export of essential commodities and the security of transport channels. While, even in 'normal' times, Burundi was already quoted as an example of a criminalized economy,⁹⁶ the war in the DRC and cross-border 'informal' trade all over the region have exacerbated the criminalization of the economy and the privatization of public space. Clearly, a more democratic, just and transparent management of the economy will have to be part of the peace deal, as much as the political mechanisms agreed in Arusha.

A last aspect of the economic sphere must be mentioned, as it affects most Burundians living in the countryside. As mentioned in the introduction, pressure on land is enormous in Burundi. In the event of an effectively implemented peace deal, over half a million Burundian refugees are likely to return, mostly from Tanzania. If not managed properly, this will cause considerable tensions, as it did in 1993, and may contribute to the derailing of the accord. Transparent procedures must be put in place and the inevitable disputes over ownership must be dealt with fairly and impartially. In addition, here again, the donor community will have to release the means necessary to allow more rural Burundians to make a living otherwise than in agriculture.

Conclusion

It has been stated on several occasions during the last decade that 'Burundi is at the crossroads'. This is again the case today. Compared to Rwanda, Burundi has the advantage that there is a dialogue between political and military actors, despite the fact that they are also fighting it out on the ground. The collapse of the Arusha accord and the internal attempts at political accommodation would discredit peaceful solutions in the years to come and leave the country in a new period of protracted violent strife. While progress has undoubtedly been achieved, success is by no means guaranteed.

Some actors can contribute to the promotion of solutions. The international community, besides supporting the outcome of the negotiations, will need to play a major role in the implementation of an agreement, particularly through the provision of funding. The reform of the army, the rehabilitation and improvement of health, education and justice, and the restructuring of the economy will require considerable amounts of money which Burundi is unable to generate. Doubling the state budget would, however, cost only about US \$150 million, which is merely twice the very low level of aid presently given to Burundi (total bilateral and multilateral aid in 1998: US \$76 million). Simply raising aid back to the level of 1992 (total bilateral and multilateral: US \$312 million) would triple the resources available for vital expenditure. These figures show what a difference relatively modest outlays can make in a small economy and a poorly funded state. In the medium and long term, the International Crisis Group intends supporting an active education policy and equal access to education; moves towards the provision of firm foundations for the rule of law; production diversification; policies aimed at promoting exports and regional economic cooperation; and reforms in state administration.⁹⁷

Non-state actors will need to play a role and to be supported. As a result of a long tradition of authoritarian rule and of statist policies, civil society in Burundi is weak and handicapped by the ethnic divide. However, the Churches – the Roman Catholic Church in particular – have played a constructive role in the political restructuring of the country since the late 1980s. Relations with the state have improved since the Bagaza era and clergy like Archbishop Ntamwana and Bishop Bududira, a Hutu and a Tutsi respectively, as well as priests at the local level have attempted to contribute to efforts at reconciliation. By and large, however, the Churches remain politically timid. In addition, some Hutu and Tutsi in the clergy have contributed to the tension and a few have even been involved in engineering violence. After a period of profound impasse following the 1993 coup d'Etat, some organizations of civil society have regained their autonomy and again assumed their mandate. The activities of the Human

Rights League Iteka and the ABDP have already been mentioned. In the media, Studio Ijambo (a radio station run by NGOs) offers a generally objective voice to counterbalance the official broadcasts by the government radio station and the radical statements made in the predominantly partisan private press. Non-partisan human rights and national development associations, production and distribution cooperatives, the private media and professional groupings will need to be strengthened, in order to allow them to participate in the efforts at democratization, reconciliation and development.

The regional situation must be kept in mind. While Burundi is itself the theatre of instability and violence, it is at the same time threatened by events surrounding it. The ongoing conflict in the DRC, the constantly shifting alliances in the region, and the criminalized cross-border extractive activities have a perverse impact on peace-making in Burundi. However, if Burundi were to achieve a durable settlement, it would also serve as an example for other trouble spots in Central and East Africa. Conversely, if Burundi were to revert to massive violence, this would further compound an already explosive regional situation.

Recommendations

1. The international community should continue to support the peace process. This support should not be limited to the accord signed at Arusha, but should aim at involving all strata and sectors of the population within Burundi. The international community could contribute by providing not just adequate diplomatic and financial backing, but also coordinated and, whenever possible, unified approaches. The bilateral and multilateral, governmental and non-governmental parties involved should provide coordinated mediation and search for durable solutions in ways which are impartial, and which are seen to be impartial by parties within the polarized environment of Burundi.

2. Solutions for peace should be inclusive of the views and interests of all sectors of society including those of the most marginalized groups and those marginalized and disadvantaged for reasons besides those of ethnicity. A high degree of inclusion and acceptance of peace solutions needs to be achieved not just to ensure the successful implementation of peace measures, but also to avoid a return to cycles of violence which have deeply affected the country since independence.

3. Given the extreme and increasing poverty of the country, the international community must support solutions for peace by injecting resources in key sectors such as health, education and justice, which affect all sectors of the population. Due to the modest size of the country, and its extreme poverty, efforts on a relatively modest scale would offer real opportunities to rebuild the country and to redress deeply ingrained discrimination and imbalance against the disadvantaged without necessarily leading to an overall decrease in resources for other groups.

4. Amongst the priority areas to be considered in the peace negotiations are restructuring of the army and civilian security forces under international supervision and with international assistance.

5. Solutions will have to be found to the issues to be raised by the likely demobilization of tens of thousands of government troops and rebels. Plans of action, backed by adequate funding and other resources, will have to be devised in order to reintegrate demobilized soldiers into civilian life and the civilian economy, for instance by providing adequate resources, training and, whenever possible, opportunities for employment for former soldiers and others in the communities where reintegration is to take place. Demobilization of soldiers and the return and reintegration of refugees and internally displaced persons will have to be part of integrated plans of action which, drawing on experiences from other countries in transition from

civil conflict to peace, will address potential areas of conflict, such as over housing, land and other resources, control of local government and other key sectors, etc.

6. International development and government policies in post-conflict Burundi should focus on redressing discrimination against disadvantaged groups and discrimination along geographical, gender and other lines, with a view to supporting implementation of international human and minority rights standards.

7. All branches of government in Burundi will have to prioritize measures for respect of basic international human and minority rights standards, which Burundi is party to. Appropriate measures should be devised, with the support of the international community, for capacity-building measures which would support the implementation of such standards, such as reform of the judiciary and education systems, human rights training for members of the security forces, grassroots human rights education and awareness-raising, and measures towards an end to impunity as a key obstacle to protection of rights.

8. To the latter purpose the international community should support the institution of mechanisms to address impunity for the mass violations of human rights which have occurred in Burundi's recent past, such as a national truth and reconciliation commission and/or an international criminal tribunal for Burundi, drawing on the experiences of other countries emerging from similar situations. Failing this, the reign of impunity will continue, thus paving the way for further massive human rights violations.

9. Non-state actors have an important role to play. Civil society organizations at the local, regional and national levels, must be supported by both the government and the international community. Likewise, in the light of Burundi's history of militarization, unarmed democratic political groups need promotion and protection.

- 1 Eide, A., *New Approaches to Minority Protection*, London, MRG, December 1993.
- 2 On the regional context, see Reyntjens, F., *La Guerre des grands lacs: alliances mouvantes et conflits extraterritoriaux en Afrique centrale*, Paris, L'Harmattan, 1999.
- 3 See Gahama, J., *Le Burundi sous administration belge*, Paris, Karthala, 1983.
- 4 Lemarchand, R., *Selective Genocide in Burundi*, London, Minority Rights Group, Report no. 20, July 1974.
- 5 This term is used in its strict legal sense, as defined by the Genocide Convention, i.e. 'acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such' (emphasis added).
- 6 Whenever there is a rise in ethnic-political tension, many Hutu refer to the so-called 'Simbananiye Plan', named after an extremist Tutsi politician, one of the most influential ministers of the Micombero regime. However, there is no proof that such a plan existed.
- 7 Amnesty International, *Background briefing on Amnesty International's concerns in Burundi*, May 1986.
- 8 See Chrétien, J.-P., Guichaoua, A. and Le Jeune, G., *La Crise d'août 1988 au Burundi*, Paris, CRA, 1989; Amnesty International, *Burundi: Killings of Children by Government Troops*, October 1988.
- 9 For comments, see Lemarchand, R., 'The Report of the National Commission to Study the Question of National Unity in Burundi: a critical comment', *Journal of Modern African Studies*, vol. 27, no. 4, 1989, pp. 685–90; Reyntjens, F., *Burundi 1972–1988: continuité et changement*, Brussels, Centre d'Étude et de Documentation Africaines, 1989, pp. 65–71.
- 10 Amnesty International, *Burundi: Sectarian Security Forces Violate Human Rights with Impunity*, November 1992; Erler, B. and Reyntjens, F., *Les Événements de novembre-décembre 1991 au Burundi: rapport d'une mission d'enquête*, Brussels, February 1992.
- 11 More details can be found in Reyntjens, F., *L'Afrique des grands lacs en crise: Rwanda, Burundi 1988–1994*, Paris, Karthala, 1994.
- 12 More information on these provisions and the problems of implementation can be found in Reyntjens, F., 'L'Ingénierie de l'unité nationale: quelques singularités de la constitution burundaise de 1992', *Politique Africaine*, no. 47, October 1992, pp. 141–6.
- 13 Others, considered opposed to the Charter of National Unity and accused of waging armed attacks from neighbouring countries, were refused recognition, including PALIPEHUTU.
- 14 National Democratic Institute for International Affairs, *Communiqué de presse*, Bujumbura, 2 June 1993.
- 15 For more details on the elections and their outcome, see Reyntjens, F., '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.
- 16 Interview in *Panafrika* (Bujumbura), no. 14, 17 November 1993.

- 17 More detailed information can be found in: Human Rights Watch, *Fédération Internationale des Droits de l'Homme, Ligue des Droits de la Personne dans la Région des Grands Lacs, Organisation Mondiale Contre la Torture, Centre National pour la Coopération au Développement, Nationaal Centrum voor Ontwikkelingssamenwerking, NOVIB, Commission internationale d'enquête sur les violations des droits de l'homme au Burundi depuis le 21 octobre 1993: rapport final*, July 1994, pp. 14–45; also see Reyntjens, F., *Rwanda: trois jours qui ont fait basculer l'histoire*, Brussels-Paris, Institut Africain-L'Harmattan, Cahiers Africains, no. 16, 1995, pp. 93–115.
- 18 For more details see Reyntjens, F., *Burundi: Breaking the Cycle of Violence*, London, Minority Rights Group, March 1995, pp. 13–20.
- 19 An account and analysis of these negotiations and their aftermath can be found in Ould-Abdallah, A., *Burundi on the Brink 1993–95: A UN Special Envoy Reflects on Preventive Diplomacy*, Washington, DC, United States Institute of Peace, 2000.
- 20 International Crisis Group, *Burundi: les enjeux du débat. Partis politiques, liberté de la presse et prisonniers politiques*, 12 July 2000.
- 21 See Parqué, V., 'Le Rôle de l'OUA et des pays voisins dans la gestion du conflit burundais', in S. Marysse and F. Reyntjens (eds), *L'Afrique des grands lacs: Annuaire 1998–1999*, Paris, L'Harmattan, 1999, pp. 23–52.
- 22 The government, National Assembly and 15 political parties, in the presence of some observers from the civil society.
- 23 For a detailed list of these issues, see Parqué, *op. cit.*
- 24 This calls to mind the work in 1988–9 of the National Commission charged with studying the issue of national unity, whose report, published in May 1989, formulates, in the words of René Lemarchand 'the "public transcript" of the Tutsi domination, occasionally amended by half-hearted concessions to the "hidden transcript" of Hutu elements' (Lemarchand, R., *Burundi: Ethnocide as Discourse and Practice*, Cambridge, Woodrow Wilson Center Press-Cambridge University Press, 1994, p. 139).
- 25 The minister responsible for the peace process, Ambroise Niyonsaba, stated that 'at this stage, the government is not concerned by the cessation of hostilities and it has to continue its action of policing and defending the population'.
- 26 In early 1998, the armed wing of the CNDD-FDD broke away. While both wings call themselves CNDD-FDD, for the sake of clarity I shall use the term CNDD for the political wing, led by Léonard Nyangoma, and FDD for the military wing, led by Jean-Bosco Ndayikengurukiye.
- 27 It should be noted, however, that the political wing of the PALIPEHUTU, led by Etienne Karatasi and represented in Arusha, has no control over its military disidents in the FNL, which formally broke away at the beginning of 1993.

- 28 For a useful analysis of this first round of negotiations, as well as the internal partnership, see International Crisis Group, *Burundi. Négociations à Arusha: Quelles chances pour la paix?*, 20 July 1998.
- 29 ANADDE had joined the talks in the meantime.
- 30 For an analysis of the efforts of the international community see Reychler, L., Musabiyimana, T. and Calmeyn, S., *Le Burundi sur le chemin de paix: Analyse de l'impact des interventions extérieures*, Rapport préliminaire, Leuven, Université de Leuven, CPRS Working Paper 1/1999, 8 February 1999.
- 31 Ambassador Ahmedou Ould-Abdallah, who was the special representative of the UN Secretary-General for Burundi from November 1993 to October 1995, has bitterly complained about what he called 'arsonist diplomacy'. See Ould-Abdallah, A., *La Diplomatie pyromane*, Paris, Calmann-Lévy, 1996; See also his *Burundi on the Brink ...*, *op. cit.*, pp. 94–7.
- 32 Fondation Hirondelle, Arusha, 9 March 1999.
- 33 *Ibid.*
- 34 *Ibid.*, 16 March 1999.
- 35 Nelson, C., 'Mandela criticizes Burundi talks', Associated Press, Arusha, 16 January 2000.
- 36 Mseteka, B., 'Mandela says UN criticism of Burundi justified', *Reuters*, Johannesburg, 24 January 2000.
- 37 Fondation Hirondelle, Arusha, 21 February 2000.
- 38 *Ibid.*, 23 February 2000.
- 39 *Ibid.*, 25 March 2000.
- 40 'Message du gouvernement du Burundi sur l'évolution du processus de paix', Bujumbura, 26 February 2000. It is no coincidence that this follows Mandela's statement of 21 February.
- 41 Agence France Presse, Bujumbura, 3 April 2000.
- 42 FDD troops have been trained and equipped by Zimbabwe.
- 43 Human Rights League Iteka, *Rapport annuel sur les droits de l'homme: édition 1999*, Bujumbura, April 2000; also see an ironic text by Prunier, G., *Les Conversations de paix sur le Burundi à Arusha (6 au 17 juillet 1999)*, 23 July 1999.
- 44 A survey can be found in International Crisis Group, *The Mandela Effect. Prospects for Peace in Burundi*, 18 April 2000 and Fondation Hirondelle, 'Résumé des travaux des commissions', 3 March 2000.
- 45 For a theoretical framework applied to the Burundi peace process, see Reychler, L., Musabiyimana, T. and Calmeyn, S., *Le Défi de la paix au Burundi: théorie et pratique*, Paris, L'Harmattan, 1999.
- 46 Front d'Action pour la Vérité, *Communiqué no. 01*, Ngozi, 1 March 1999. Some have claimed that this text was simply an attempt at manipulation; this may well be true, but it does express views strongly felt in some quarters of the army.
- 47 On this, see Lemarchand, R., *Burundi: Ethnocide ...*, *op. cit.*, pp. 139–42.
- 48 Integrated Regional Information Network–Central and Eastern Africa (IRIN–CEA), 'Update 987 for the Great Lakes', 11 August 2000.
- 49 Guichaoua, A., *Destins paysans et politiques agraires*

- en Afrique Centrale*, Paris, L'Harmattan, 1989, vol. 1, pp. 168–73.
- 50 Willame, J.-C., *Les Manipulations du développement: ajustement, cogestion et démocratisation au Burundi*, Brussels, Les Cahiers du CEDAF, no. 5, 1992, p. 44.
- 51 FRODEBU, *Melchior Ndadaye: Pour construire un Burundi nouveau – 46 propositions*, Bujumbura, May 1993.
- 52 The figure of 200,000 is routinely quoted in the press; as a matter of fact, we have no precise idea of the number of victims.
- 53 The most recent report on the regroupment policy is Human Rights Watch, *Emptying the Hills: Regroupment in Burundi*, July 2000.
- 54 For one example among many, see C. McGreal, '800,000 held in Burundi camps', *The Mail and Guardian* (Johannesburg), 17 December 1999.
- 55 The fact that an expert team of women sent by UNIFEM (the UN Development Fund for Women) was present during a round of talks in June 2000 hardly compensated for the absence of Burundian women. A 'last-minute' meeting of women delegates of the 19 parties taking part in the talks was held in Arusha from 17 to 20 July 2000. Although they met with Mandela, their set of gender-specific proposals, including a 30 per cent quota for women in all areas of public administration (but, surprisingly, not in the army), came only after a draft accord was already formulated by the mediation team.
- 56 However, some information can be found in: Human Rights League Iteka, *Rapport annuel ... 1999*, *op. cit.*
- 57 I wish to thank Darlene Rude, a Canadian-based gender consultant, for having drawn my attention to these IRC studies. She has also offered me valuable insights which have inspired parts of this section on women.
- 58 See Nduna, S. and Goodyear, L., *Pain Too Deep for Tears: Assessing the Prevalence of Sexual and Gender-Based Violence among Burundian Refugees in Tanzania*, New York, IRC, 1997; Fain, L., *Unsafe Haven: Report of Findings of the Baseline Sexual Violence Survey, Karago Refugee Camp*, New York, IRC, February 2000; Nduna, S. and Rude, D., *The War Followed Me: Documenting Refugee Women's Experience of Domestic Violence*, New York, IRC, 2000.
- 59 Human Rights Watch, *Emptying the Hills ...*, *op. cit.*, pp. 18–20.
- 60 Human Rights League Iteka, *Rapport annuel ... 1999*, *op. cit.*
- 61 For a detailed discussion, see Lewis, J., *The Batwa Pygmies of the Great Lakes Region*, London, Minority Rights Group, 2000, pp. 13–18.
- 62 *Ibid.*, p. 15.
- 63 Amnesty International, *Burundi: Government Carries Out Political Executions after Grossly Unfair Trials*, 1 August 1997.
- 64 For more details on the Twa experience of war, see Lewis, J., *The Batwa Pygmies ...*, *op. cit.*, pp. 23–5.
- 65 Witness Protestants and Catholics in Northern Ireland, Sinhalese and Tamil in Sri Lanka, Greeks and Turks in

- Cyprus, Dutch-speakers and French-speakers in Belgium, Lendu and Hema in the Ituri region of the Democratic Republic of Congo and many others.
- 66 Lewis, A., *Politics in West Africa*, London, George Allen and Unwin, 1963.
- 67 Lijphart, A., *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-one Countries*, London and New Haven, CT, Yale University Press, 1984, p. 23.
- 68 On this, see Reyntjens, F., 'The constitutional status of ethnicity in Africa South of the Sahara', *SA Public Law*, 1993, pp. 36–52.
- 69 The analogy with a leopard's skin has already been used: Tutsi are the dark spots, concentrated in most neighbourhoods of Bujumbura and in other towns or living near administrative centres and military positions, while Hutu are scattered or 'regrouped' elsewhere; in addition, almost all refugees are Hutu.
- 70 It should be noted that this constitutes a major shift in PARENA chair Bagaza's thinking. Under his presidency (1976–87) it was forbidden even to mention the ethnic groups.
- 71 Advocates of this mechanism forget that the senate which existed in the mid-1960s was an arena of constant ethnic confrontation.
- 72 I resist the temptation to discuss the role which traditional institutions, like the *Bashingantahe* (local notables) and *Bushingantahe* (the values of integrity and respect governing them), can play. During the 30 years of one-party and military rule, the *Bashingantahe* have become so politicized that they have lost most of their legitimacy. At any rate, if the concept and practice of *Bushingantahe* is to be revived, it will have to emerge organically at grassroots level and cannot be engineered top-down as part of a macro-political settlement.
- 73 Amnesty International, *Burundi. La Protection des droits humains: une étape essentielle dans la recherche de la paix*, January 2000.
- 74 Amnesty International, *Burundi. No Respite without Justice*, 17 August 1999, p. 31.
- 75 *Rapport des chefs de mission de l'UE au Burundi concernant la situation en matière des droits de l'homme*, Bujumbura, January 2000.
- 76 A list can be found in Burundi-Bureau, *Des prisonniers politiques, une réalité non acceptée au Burundi*, Dossier d'analyse no. 65, Bujumbura-Bonn, 29 June 2000.
- 77 République du Burundi, *Accord sur la plate-forme politique du régime de transition*, Bujumbura, June 1998, p. 6.
- 78 Here, too, the strong anti-Hutu bias needs to be addressed: fewer than 10 per cent of law students are Hutu.
- 79 République du Burundi, Ministère de la Justice, *Plan de réforme et de modernisation du système judiciaire et pénitentiaire burundais*, Bujumbura, March 1999.
- 80 Jackson, T., *Justice in Burundi: Situation Report, June 1999*, London, International Alert, 1999.

- 81 See the annual reports of the Burundian Human Rights League Iteka, Amnesty International, Human Rights Watch and the US Department of State.
- 82 Amnesty International, 'Urgent Action', 13 April 2000.
- 83 'In principle' because the parties diverge widely over modalities and even disagree on which violent events in Burundi's history constitute genocide. Thus the Hutu claim the 1972 massacres as 'their' genocide, while the Tutsi claim those of 1993 as 'theirs'.
- 84 The anticipated *minimal* cost of this operation in the Rwandan Arusha peace accord of 1993 was the equivalent of the total annual state budget.
- 85 Jackson, T., *Equal Access to Education: A Peace Imperative for Burundi*, London, International Alert, June 2000, p. 2.
- 86 *Ibid.*, pp. 27–8.
- 87 Interestingly, primary school attendance is almost 90 per cent in the refugee camps in Tanzania.
- 88 In addition, almost 2,000 foreign teachers have returned to their countries of origin, Rwanda in particular.
- 89 Jackson, T., *Equal Access ...*, *op. cit.*, pp. 9–10.
- 90 *Ibid.*, p. 4.
- 91 Van Acker, F. and Marysse, S., 'Les coûts de la guerre civile au Burundi: "une décennie perdue"', in: F. Reyntjens and S. Marysse (eds), *L'Afrique des grands lacs: Annuaire 1999–2000*, Paris, L'Harmattan, 2000.
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- 93 Van Acker, F. and Marysse, S., 'Les coûts de la guerre ...', *op. cit.*
- 94 Statement made during a workshop on the promotion of the private sector, Bujumbura, October 1990, quoted in Willame, J.-C., *Les Manipulations du développement ...*, *op. cit.*, p. 101.
- 95 International Crisis Group, *Burundi: Proposals for the Resumption of Bilateral and Multilateral Co-operation*, 4 May 1999, p. 3.
- 96 See e.g. Hibou, B., 'Le "capital social" de l'état falsificateur ou les ruses de l'intelligence économique', in: J.-F. Bayart, S. Ellis, B. Hibou, *La Criminalisation de l'état en Afrique*, Brussels, Editions Complexe, 1997, p. 118.
- 97 International Crisis Group, *Proposals for the Resumption ...*, *op. cit.*, pp. 12–15.

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Acronyms

ABASA	Alliance Burundo-Africaine pour le Salut
ABDP	Association Burundaise pour la Défense des Droits des Prisonniers
ANAC	Alliance nationale pour le Changement
ANADDE	Alliance Nationale pour le droit et le développement
CNDD	Conseil National pour la Défense de la Démocratie
DRC	Democratic Republic of Congo
FDD	Forces pour la Défense de la Démocratie
FNL	Front National de Libération
FRODEBU	Front Démocratique du Burundi
FROLINA	Front pour la Libération Nationale
ICRC	International Committee of the Red Cross
Inkinzo	Parti Socialiste et Panafricaniste
IRC	International Rescue Committee
MOLIBA	Mouvement de Libération des Bahutu
PALIPEHUTU	Parti pour la Libération du Peuple Hutu
PARENA	Parti pour le Redressement National
RADDES	Rassemblement Démocratique pour le Développement Économique et social
PDC	Parti Démocrate Chrétien
PIT	Parti Indépendant pour les Travailleurs
PL	Parti Libéral
PP	Parti du Peuple
PRP	Parti pour la Réconciliation du Peuple
PSD	Parti Social-Démocrate
RPB	Rassemblement du Peuple Burundais
RPF	Rwanda Patriotic Front
UNITA	National Union for the Total Independence of Angola
UPRONA	Union pour le Progrès National

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