

PEACE AGREEMENTS IN BURUNDI: ASSESSING THE IMPACT

WRITTEN BY **ADELIN HATUNGIMANA, JENNY THERON AND ANTON POPIC**

Background to the conflict

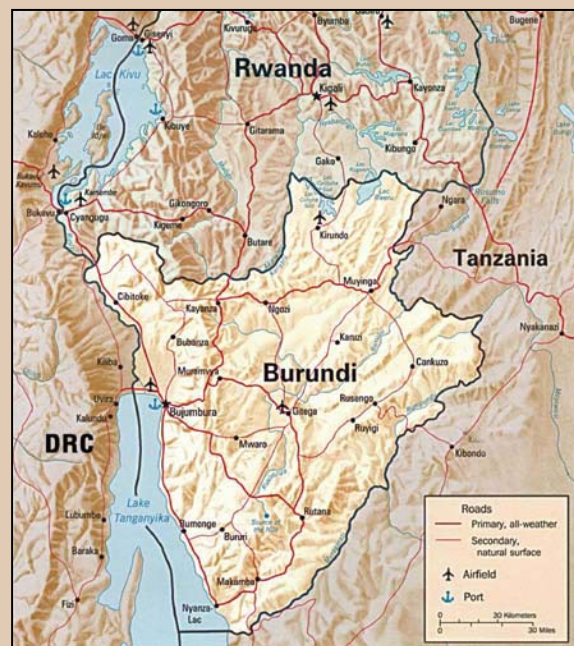
Burundi is a small (27 830 km²), landlocked country in central Africa with approximately seven million inhabitants. This previously independent kingdom was a German protectorate from the 1890s until the First World War, when it came under Belgian administrative authority. Burundi gained independence in 1962 as a constitutional monarchy, and this was then abolished in 1966 with the arrival of the republican system.¹

The Belgian rulers systematically employed the 'divide and rule' strategy by favouring the minority Tutsi group over the majority Hutu group, and using the Tutsis to assist in administering the colony. Following the departure of the Belgians and the country's independence in 1962, Burundi experienced on-and-off, latent and manifest conflicts between the country's ethnic groups and political factions. More than half a million people died following the crises of 1965, 1972, 1988, 1991 and 1993. The crisis that followed the 1993 assassination of the first democratically-elected president, Ndadaye Melchior, resulted in approximately 300 000 deaths, by far the greatest death toll. Following the negotiations that started in 1996, the government of Burundi, various armed and unarmed groups, and opposition parties signed the Arusha Peace and Reconciliation Agreement for Burundi in Arusha, Tanzania in August 2000 (hereafter referred to as 'the Arusha Agreement'). Subsequently, the transitional government and the current democratically-elected government signed ceasefire agreements, which were not originally included in the Arusha Agreement, with the opposition and rebel movements.

This article examines these agreements and explores their aims and key elements, and assesses the implementation and effectiveness of the agreements. This assessment is based on whether the agreements addressed the root causes of the conflict in Burundi, and commences with a brief outline of the fundamental issues that led to the war.

Root Causes

Burundian society consists of three ethnic groups: the majority Hutu (85 percent), the minority Tutsi (14 percent), and the marginalised Twa (1 percent).² The society was rigidly stratified along ethnic lines,



Burundian President, Pierre Nkurunziza (right) and FNL leader, Agathon Rwasa, hug after the signing of the September 2006 peace accord.

with the minority Tutsi having had control of the government, the military and the economy in the post-independence period.³ While it would be tempting to explain the conflict by focusing on ethnic divisions only, it is important to note that it is not ethnic diversity per se that caused the conflict, but rather the inequality in the distribution of access to national resources and political power across ethnic groups.⁴ The Tutsi (Hima) from the southern province of Bururi utilised regional and ethnic diversity to control power. In response, political actors excluded from state resources manipulated ethnic solidarities to confront the regime.⁵ Consequently, ethnic diversity became a tool for political competition in the pursuit of economic and political advantages. In other words, because the political system discriminated along ethnic lines, ethnicity became a vehicle of conflict.

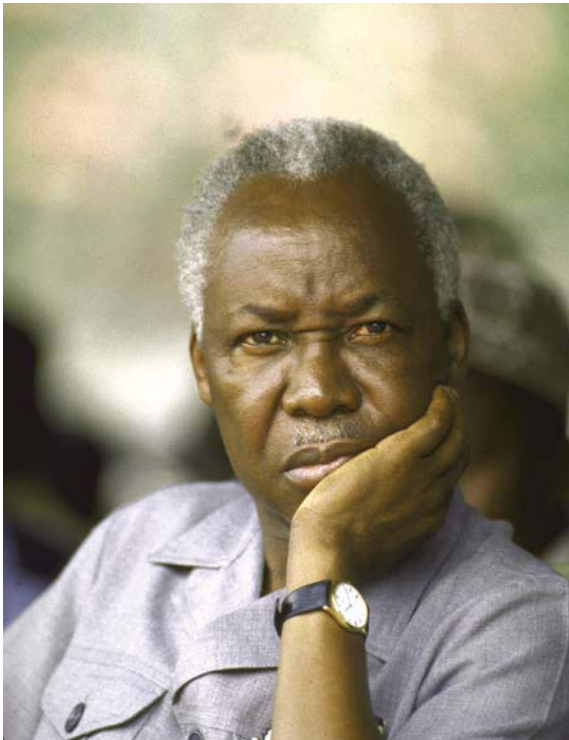
The causes of the conflicts in Burundi can, then, be ascribed to the institutional failures that created and maintained a rift between the 'privatised' state and the population, whereby power was monopolised by the powerful minority and denied the powerless majority any political and economic access.⁶ Further evidence for this interpretation of the causes of the Burundi conflict lies in the multiplicity of belligerents involved. This demonstrates that political rivalry is as important, if not more than, ethnic rivalry, as political entrepreneurs failed to agree on mechanisms for power sharing.⁷

As previously mentioned, the various conflicts in Burundi lasted on-and-off for more than three decades. However, in 2000, most major actors involved in the recent conflict episode signed the Arusha Agreement. Following this agreement, an additional three ceasefire agreements were signed with various armed rebel groups in Dar es Salaam, Tanzania:

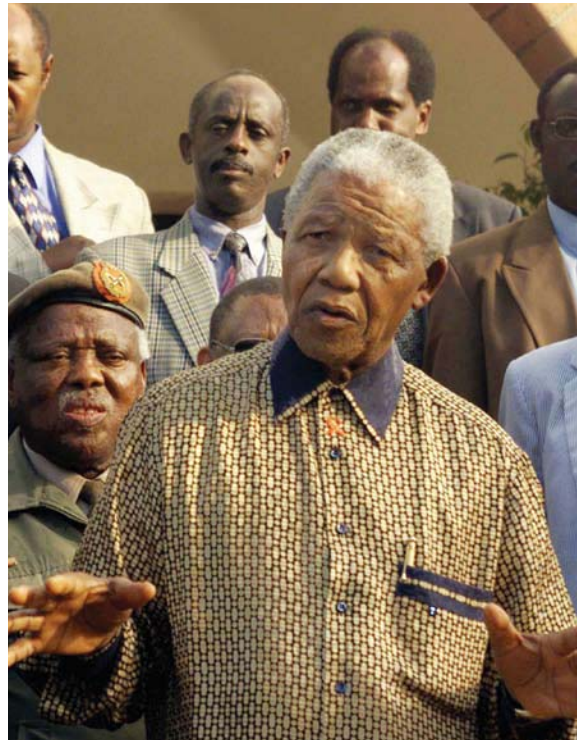
- On 7 October 2002, a ceasefire agreement was signed between the transitional government of Burundi and Jean Bosco's National Council for the Defense of Democracy – Forces for the Defense of Democracy (CNDD-FDD) – now the Kaze-FDD – and Alain Mugabarabona's Forces for National Liberation (FNL) – now the FNL-ICANZO.⁸
- The second agreement signed was between the transitional government of Burundi and Pierre Nkurunziza's CNDD-FDD party on 16 November 2003.⁹
- On 7 September 2006, the current government of Burundi signed an agreement with Agathon Rwasa's FNL party.¹⁰

All the peace agreements signed since 2000 (including the Arusha Agreement) have attempted to address the root causes of the Burundi conflict by focusing on issues related to democracy (power sharing), governance and security (reform and integration).

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Negotiations towards the Arusha Peace Agreement were first facilitated by Julius Nyerere (left), former president of Tanzania, and subsequently by Nelson Mandela (right), former president of South Africa.

The Arusha Agreement

Prior to the formal Arusha negotiations, many informal attempts had been made to end the Burundi conflict, both internally and outside the country. However, it was not until 1996 that the major parties in the conflict came to the table to reach a comprehensive agreement, facilitated by the late former president of Tanzania, Julius Nyerere, and subsequently former president of South Africa, Nelson Mandela. Agreement was finally reached on 28 August 2000 in Arusha, Tanzania, after challenging and lengthy negotiations.

The Arusha Agreement consists of a peace accord followed by five protocols, which form an integral part of the agreement. The agreement was signed by the then-government of Burundi, the National Assembly, 17 political parties, and armed and unarmed political groups.

In **Protocol 1, 'Nature of the Burundi Conflict, Problems of Genocide and Exclusion and Their Solutions'**, the signatories agreed on the major causes of the conflict in Burundi. This protocol offers potential solutions to address these causes, including reforming the political system based on the values of "justice, the rule of law, democracy, good governance, pluralism, respect for the fundamental rights and freedoms of the individual, unity, solidarity, equality between women and men, mutual understanding and tolerance among the various political and ethnic components of the Burundian people". In addition, this protocol also stipulates that transitional institutions should be established speedily, and that *coups d'état* shall be prohibited. Article 6 of Protocol 1 proposes a list of principles to combat genocide, war crimes and crimes against humanity, including combating impunity. This requires the establishment of an international judicial commission of inquiry, as well as requesting the United Nations Security Council to establish a tribunal for investigating and punishing such crimes. Finally, to promote reconciliation, the protocol also calls for the establishment of a truth and reconciliation commission.

Protocol 2, 'Democracy and Good Governance', serves as a blueprint for the future constitution of the country. It stipulates that the country be governed democratically through respecting the principle of equality before the law and representing all segments of society, based on the principles of unity and reconciliation. The protocol continues with a list of fundamental rights, such as gender equality; freedom of expression and property rights; and political rights, including the right to form political parties. Two other important aspects of this protocol are the decentralisation of power and the independence of the judiciary, including a balanced ethnic and

gender composition. This protocol advocates power sharing as a mechanism for political inclusion. In the military, power sharing is considered effective when no ethnic group makes up more than 50 percent of the national defence forces. With regard to local administration, power sharing is considered effective when no ethnic group has more than 67 percent of the total number of administrators.

Protocol 3, 'Peace and Security for All', concentrates on five elements: unity within the defence and security forces; political neutrality of the defence and security forces; professional, civic and moral qualities of the defence and security forces; neutrality and independence of the magistracy; and control of illegal possession and use of weapons. It denies the use of force as a means of access to and retention of power.

Protocol 4, 'Reconstruction and Development', outlines a vision for the reconstruction and future development of the country. Reconstruction includes the resettlement and reintegration of refugees and *sinistrés*, as well as the return of illegally-owned land to its proper owners, guided by a list of principles included in this protocol. In response to the negative impact of conflict, the signatories agreed to set up a national commission (National Commission for the Rehabilitation of Sinistrés – CNRS) for the reintegration of the *sinistrés*, defined as the population directly affected by violence.

Finally, **Protocol 5, 'Guarantees on the Implementation of the Agreement'**, concerns the implementation and monitoring of the agreement, and provides a timeline to be followed. The implementation was to be monitored by a commission set up for that purpose, namely the Implementing Monitoring Commission (CSA).

Implementation of the Arusha Agreement

Efforts made in the successful implementation of the Arusha Agreement include, but are not limited to:

- the drafting and adoption of the constitution, and the subsequent conduct of democratic elections based on the new constitution;
- the putting in place of democratic political institutions (cabinet and parliament), taking into consideration the power sharing guidelines and quotas agreed upon;
- the establishment of the country's new security and defence forces;
- the partial resettlement and reintegration of refugees and *sinistrés*, as well as the establishment of the National Commission for the Rehabilitation of *Sinistrés*; and
- the successful establishment of the Implementing Monitoring Commission and the completion of its work, which includes following up, monitoring, supervising and coordinating the implementation of the Arusha Agreement.

Criticisms regarding the implementation of the Arusha Agreement include, but are not limited to:

- A general delay in implementation. For example, the transitional period, which was to last until 30 November 2004, only ended on 26 August 2005 when the current president, Pierre Nkurunziza (leader of the former rebel movement CNDD-FDD), was sworn into office following his election to parliament on 19 August 2005.
- The lack of implementation of certain stipulations of the agreement. For example, at the time of writing, no commission of inquiry; truth and reconciliation commission, or international tribunal for Burundi have been established.

This indicates that, in general, the Arusha Agreement has been partially implemented. According to the Director of Demobilization and Reinsertion of the National Commission for the Demobilization, Reinsertion and Reintegration, Mr. Léonidas Nijimbere¹¹, the Arusha Agreement has been implemented at more or less 60 percent.

It is important to note that in place of Appendix 3 of the Arusha Agreement – relating to ceasefire agreements

– a blank page is inserted, indicating that the technicalities of ceasefires would be discussed subsequently, and would form part of the Arusha Agreement.

Subsequent Ceasefire Agreements

The first and the second ceasefire agreements – the first one signed by the transitional government of Burundi, Jean Bosco Ndayikengurukiye's CNDD-FDD party and Alain Mugabarabona's FNL party, and the second agreement signed by the transitional government and Pierre Nkuriziza's CNDD-FDD – not only aimed to bring about the cessation of hostilities between signatories, but also for rebel movements to be transformed into political parties and integrated into the transitional government institutions. In addition, the agreements aimed to redress the endemic issues of exclusion and imbalance in the security institutions (power sharing) with a special focus on disarmament, demobilisation and reintegration (DDR), as well as integration into the defence and security forces. Patterns of exclusion and imbalance relate to the ethnic, regional and gender composition of security forces. The ceasefire agreements stipulate that no ethnic group can make up more than 50 percent of the armed forces. On the other hand, gender and regional balances are not stipulated in specific terms but rather only expressed as desirable.

The third ceasefire agreement, between the current government of Burundi and Agathon Rwasa's FNL party, aims to bring about the cessation of hostilities and extend temporary immunity for acts committed during the armed struggle, as well as the release of political and war prisoners. Additionally, the agreement provides guidelines for integration and a DDR process for FNL combatants.

All three agreements acknowledge their existence within the framework of the Arusha Agreement, and therefore take cognisance of the general principles outlined by the Arusha Agreement.

Implementation of Ceasefire Agreements

With regard to the first two ceasefire agreements discussed above, the following stipulations were completely or partially implemented:

- the cessation of hostilities;
- the granting of temporary immunity, and the releasing of political and war prisoners;

CONSEQUENTLY, ETHNIC DIVERSITY BECAME A TOOL FOR POLITICAL COMPETITION IN THE PURSUIT OF ECONOMIC AND POLITICAL ADVANTAGES. IN OTHER WORDS, BECAUSE THE POLITICAL SYSTEM DISCRIMINATED ALONG ETHNIC LINES, ETHNICITY BECAME A VEHICLE OF CONFLICT



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Post-conflict Burundi is dealing with an increasing number of returning displaced people.

- the transformation of rebel movements into political parties, and their integration into transitional government institutions; and
- DDR and integration into defence and security forces (partially implemented).

The greatest challenges remaining seem to be the reintegration of ex-combatants into civilian life, as well as downsizing the security and defence forces to a reasonable size.¹²

Consequently, according to Mr. Léonides Nijimbere, the above two ceasefire agreements have been implemented at more or less 90 percent.¹³ At the time of writing, the second phase of the DDR process was still ongoing, with the aim of demobilising 3 000 additional soldiers from the defence force and 5 000 additional members from the police force. Overall, there was a delay in implementation regarding certain aspects of the agreements that were mostly political in nature, and due to the challenging environment in which they were being implemented during the pre-election period.

The agreement between the current government of Burundi and Palipehutu-FNL has resulted in the cessation of hostilities on the ground which, in turn, has resulted in increased security. However, the durability of the cessation of hostilities may depend on the effective implementation of the remaining stipulations of this agreement, as well as further negotiations regarding relevant issues. In general, there has been a delay in implementation that can be attributed to various elements, such as the nature of the agreement itself which, for example, did not cover the issue of political power sharing – an issue that has proved relevant when considering the ceasefire agreements.

However, according to Colonel Hein Visser¹⁴, Contingency Commander of the African Union Special Task Force in Burundi, and Lieutenant Colonel Adolphe Manirakiza¹⁵, Spokesperson for the Burundi National Defence Force, military integration aspects of the above agreements were implemented more fluently than had been envisaged by the international community, as well as by the people and politicians in Burundi.

THE FIRST AND THE SECOND CEASEFIRE AGREEMENTS NOT ONLY AIMED TO BRING ABOUT THE CESSATION OF HOSTILITIES BETWEEN SIGNATORIES, BUT ALSO FOR REBEL MOVEMENTS TO BE TRANSFORMED INTO POLITICAL PARTIES AND INTEGRATED INTO THE TRANSITIONAL GOVERNMENT INSTITUTIONS

Conclusion

The purpose of the Burundi peace agreements (discussed in this article) was to respond to the root causes of the country's conflict, namely the political and economic exclusion of the larger part of the population and healing the rifts between the various groups. These causes were mainly addressed through instituting mechanisms for power sharing, as stipulated by the Arusha Agreement. Various challenges resulted in a delay in the implementation of certain aspects of the agreements, which have either not been fully implemented or are yet to be implemented.

As for the effectiveness of the agreements, the newly-established institutions, though democratic, are still facing critical challenges. These include: political stabilisation, security stabilisation, reconciliation, fighting impunity, the lack of resources, and poverty. Nonetheless, broadly speaking, the relevant agreements have been implemented to a large extent, and have had a positive impact on the overall peace process in Burundi through attempting to address the root causes of the conflict. ¹

Adelin Hatungimana is a Senior Programme Officer with ACCORD's Burundi Programme, and is based in Bujumbura, Burundi.

Jenny Theron is the Coordinator of ACCORD's Burundi Operations, and is based in Bujumbura.

Anton Popic recently completed an internship with ACCORD's Burundi Programme.

Endnotes

- 1 All historical data adapted from Eggers, Ellen (1997) *Historical Dictionary of Burundi*, London: The Scarecrow Press, Inc.
- 2 "The relevant issue is not whether ethnic groups exist or not but why and how they arise in the complex interaction among multiple factors that cause conflict. Ethnicity may be a contributor to conflict only if it is instrumented for the purpose of controlling power and extracting the rents associated with monopolization of power." Ndikumana, Léonce (2005) 'Distributional Conflict, the State, and Peacebuilding in Burundi', Research Paper No. 2005/45, United Nations

University World Institute for Development Economics Research (UNU-WIDER).

- 3 Ndikumana, Léonce (1998) 'Institutional Failure and Ethnic Conflicts in Burundi' in *African Studies Review*, 41 (1), p. 30.
- 4 Ndikumana, Léonce (2005) 'Distributional Conflict, the State, and Peacebuilding in Burundi,' Research Paper No. 2005/45, United Nations University World Institute for Development Economics Research (UNU-WIDER), p. 5.
- 5 Ndikumana, Léonce (2005) 'Distributional Conflict, the State, and Peacebuilding in Burundi,' Research Paper No. 2005/45, United Nations University World Institute for Development Economics Research (UNU-WIDER), pp. 3-4.
- 6 Parties to the Arusha Agreement basically followed this same line of thought in explaining the nature of the Burundi conflict in Protocol 1 of the Arusha Agreement. They characterised the conflict as being mainly a political one with strong ethnic dimensions, and indicated that it stemmed from the struggle of political classes to get to, or remain in, power.
- 7 Ndikumana, Léonce (2005) 'Distributional Conflict, the State, and Peacebuilding in Burundi,' Research Paper No. 2005/45, United Nations University World Institute for Development Economics Research (UNU-WIDER), p. 16.
- 8 *Ceasefire Agreement Between the Transitional Government of Burundi and the Burundian Political Parties and Armed Movements*, 7 October 2002, Dar-es-Salaam, Tanzania.
- 9 *Global Ceasefire Agreement Between the Transitional Government of Burundi and CNDD-FDD*, 16 November 2003, Dar-es-Salaam, Tanzania.
- 10 *Comprehensive Ceasefire Agreement Between the Government of the Republic of Burundi and the Palipehutu-FNL*, 7 September 2006, Dar-es-Salaam, Tanzania.
- 11 Interview conducted with Mr. Léonidas Nijimbere, Director of Demobilization and Reinsertion of the National Commission for the Demobilization, Reinsertion and Reintegration, July 2007, Bujumbura, Burundi.
- 12 Boshoff, Heni and Very, Waldemar (2006) 'A Case Study for Burundi: Disarmament, Demobilisation and Reintegration During the Transition in Burundi: A Technical Analysis' in ISS Monograph Series, Tshwane (Pretoria), South Africa: Institute for Security Studies, p. 51.
- 13 Interview conducted with Mr. Léonidas Nijimbere, Director of Demobilization and Reinsertion of the National Commission for the Demobilization, Reinsertion and Reintegration, July 2007, Bujumbura, Burundi.
- 14 Interview conducted with Mr. Hein Visser, Contingency Commander of the African Union Special Task Force in Burundi, July 2007, Bujumbura, Burundi.
- 15 Interview conducted with Mr. Adolphe Manirakiza, Spokesperson for the Burundi National Defence Force, July 2007, Bujumbura, Burundi.