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TANZANIA'S ROLE IN BURUNDI'S PEACE PROCESS

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In partial fulfilment of the requirements for the award
of Degree of Maters
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and Social Sciences, Faculty of Humanitaries,
UNIVERSITY OF WITWATERSRAND

DECLARATION

I declare that this research work is my own, unaided. It has neither been presented before at Wits University nor in any other Universities for any other award.

Signed by Said J K Ameir ……

This …… day of ……. …. 2008

DEDICATION

I dedicate this work to my family which cares for most of my progress in life. First, my parents who raised and made me became who I am today. I pay special tribute to my father who aside from his decade-long illness has never hesitated to allow me to travel and never bothered by my absence. He has always inspired, motivated and supported me in all my endeavours in life including this one. My wife also deserves special tribute for the undue difficulties she went through, during my absence, when she gave birth to our lovely son Farez. Tribute also goes to my children Mgeni, Lulu and Kauthar for respecting my decision to come to Wits, something which shows that we share the same vision as a family.

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THE LIST OF ACRONYMES

ABASA- African Burundi Alliance for Salvation

AMIB- African Mission in Burundi

ANADDE- National Alliance for Law and Economic Development

AU- The African Union

AV-INTWARI- “Alliance of the Valliant”

CNDD- National Council for the Defence of Democracy

CNN – Cable News Network

CSMN – Military Committee for National Salvation

ECOWAS- The Economic Community of Western African States

EU- The European Union

FDD- Forces for the Defence of Democracy

FDI Foreign Direct Investment

FNL- National Liberation Forces

FRODEBU- Front for Democracy in Burundi

FROLINA- Front for National Liberation

GLR – The Great Lakes Region

IGAD – Intergovernmental Authority on Development

INKIZO- The Shield

MNF- The Mwalimu Nyerere Foundation

MOU – Memorandum of Understanding

NEPAD – New Partnership for Africa’s Development

OAU- The Organization of African Unity

PAFMECA- The Pan African Freedom Movement for East and Central Africa

PAFMESCA- The Pan African Freedom Movement for East, Central and Southern Africa

PALIPEHUTU- Party for the Liberation of the Hutu People

PARENA- Party for National Recovery

PIT- Independent Workers Party

PL Liberal Party

PP Party of the People

PRP- Party for Reconciliation of the People

PSD- Party for Social Democracy

RADDES- Rally for Democracy, Social and Economic Development

RPB- Rally for People of Burundi

SADC- The Southern African Development Community

TANU- Tanganyika African National Union

UN- The United Nations

UNOB- The United Nations Office in Burundi

UNSC- The United Nations Security Council

UPRONA – National Union for Progress

US- The United States of America

ABSTRACT

The Arusha Peace and Reconciliation Agreement was signed in Arusha Tanzania in August 2000. This was a result of countless efforts involving countless players; a process which took nearly six years to find a durable solution to the decades - long Burundi crisis. Tanzania government is one of these players.

This study therefore focuses on the role of Tanzania in the Burundi's Peace Process. The primary argument put forth by the study is that Tanzania played multiple roles including mediation and facilitation, hosting peace talks and Burundi refugees. The study argues that whereas moral obligation could be counted for Tanzania's involvement, the negative impacts of the Burundi crisis to Tanzania were central to its engagement. The negative impacts were perceived by Tanzanian government authorities as a threat to its national interests, hence warranted a direct response.

The study acknowledges that Tanzania's mediation and facilitation roles were marred by two controversial issues namely; being perceived as 'biased' (in favour of the Hutus and hostile to the Tutsis) and also as one which favoured military solutions to the conflict as opposed to other approaches advocated by other players. These allegations are discussed to determine their authenticity and conclusions are made.

The study also examines whether or not the coming of Nelson Mandela (and South Africa for that matter) did influence Tanzania's role and the conclusion is that it did influence because competition for influence between the two countries was obvious when Mandela replaced Mwalimu Nyerere as the major facilitator. The point raised here is that whereas Tanzania wanted to preserve and continue with its influence in the sub-region, South Africa on its part wanted to use that opportunity to penetrate both politically and diplomatically on the one hand and consolidate its economic presence in the sub-region on the other hand.

The study asserts that although Burundi has managed to sign the Arusha Accord, secure ceasefire agreements between the Government and the rebel movements and successfully completed the transitional period, the country still faces many challenges which it needs to overcome if it is to build a new, peaceful and united society. In this regard, the study recommends continued support and responsibility by regional states and the international community coupled with close monitoring of the situation in the country. Besides, the study recognises that Tanzania's role will still remain influential for many years to come in the peace building process in Burundi.

TABLE OF CONTENTS

DECLARATION i
DEDICATION ii
ACKOWLEDGEMENT iii
THE LIST OF ACRONYMES iv
ABSTRACT vi
CHAPTER ONE 1
INTRODUCTION 1
RESEARCH QUESTIONS 2
SCOPE AND LIMITATION OF STUDY 2
AIM AND RATIONALE OF THE STUDY 2
HYPOTHESISES 4
LITERATURE REVIEW 4
CONCEPTUAL FRAMEWORK 17
EVIDENCE COLLECTION AND METHODOLOGY 30
STUDY OUTLINE 30
CHAPTER TWO 31
THE BURUNDI PEACE PROCESS 31
2.0 Introduction 31
CHAPTER THREE 65
THE ROLE OF TANZANIA IN THE BURUNDI PEACE PROCESS 65
3.0 Introduction 65
CHAPTER FOUR 95
THE ROLE OF OTHER ACTORS 95
4.0 Introduction 95
4.1.1 The Period between the Coups - 1993-1996 96
CHAPTER FIVE 121
5.1 Summary and Conclusions 121
REFERENCES 130
REFERENCES FROM WEBSITES 137

CHAPTER ONE

INTRODUCTION

Burundi is a small country situated in the Great Lakes Region of Africa. It is a landlocked state, sharing borders with Tanzania on the East and the South, Democratic Republic of Congo on the West and Rwanda on the North. It also enjoys about 2000 square kilometers of Lake Tanganyika waters on its South Western part. Burundi was under colonial rule from 1888 to 1962.[1]The colonisation of Burundi by the Germans, though started in 1888, was completed in 1900 and lasted up to1918. Together with Rwanda and Tanganyika, they were colonised under German East Africa-a German colonial agency. Thereafter, it became a trustee territory under the Belgian colonial administration until it was granted its independence on the 1st of July 1962.

Though historically, its people were leading a peaceful life, since independence Burundi has experienced a turbulent history of ethnic violence. The most notable incidents are those of 1965, 1972, 1988, 1991 and 1993 which followed the assassination of President Melchoir Ndadaye.[2] Burundi further experienced its first military rule on 26th November 1966 when Michael Micombero staged a bloodless coup which ousted the monarchy. Since then, it became under military dictatorship which held the monopoly of the country's politics as well as economy. This resulted into ethnic violence characterised by *coup d'etat*, counter *coup d' etat*, mass killings, assassination of prominent politicians and political exiles.[3]

However, the country had also experienced political-ethnic violence during the end of colonialism, especially in early 1960s with the assassination of Louis Rwegasore, a Tutsi nationalist leader and a prime minister-elect, in October 1961.[4] The political instability of Burundi can also be observed in the number of prime ministers it has had between 1962 and 1966.Within that period, Burundi had seven prime ministers of whom four were Tutsis and three Hutus. Of the three Hutus, two were assassinated.[5] The most recent crisis is the one which led to the assassination of President Ndadaye in October 1993. Unlike in the previous conflicts, this attracted a wide international attention. This led to a third party intervention to resolve the conflict. The peace process involved many internal and external actors. Together they have put their efforts to find a durable solution to

[1] Mpangala, G. "Burundi and her Society" in Mpangala, G & Mwansasu, B (eds): Beyond Conflict in Burundi, Mwalimu Nyerere Foundation, Dar es salaam. 2004, pp. 31-38

[2] Gamaha,J, Matoroka, S, Nditije,C , Ntahombaye, P & Sindayizeruka.O. "Burundi" in Adebayo, A (ed.): Comprehending and Mastering African Conflict: The Search for Sustainable Peace and Good Governance, African Centre for Strategic Studies and Development-ACDESS,Zed Publishers, London. 1999, p. 81

[3] Maundi ,M. : Initiating Entry into Mediation in Internal Conflict, An Unpublished PHD Dissertation submitted to the John Hopkins University, Baltimore, Maryland. 2000, p.77

[4] Ndarubagiye, L.: Burundi :The Origins of Hutu-Tutsi Conflict, Nairobi. 1995, pp. 27-28

[5] Mpangala, G.: Ethnic Conflicts in the Region of the Great Lakes: Origins and Prospects for Change, Institute of Kiswahili Research, University of Dar es Salaam, Dar es Salaam.2000, pp.74 -77

the intractable conflict facing the country for over thirty years. Among these actors is Tanzania. Therefore the purpose of this study is to establish the role of Tanzania in the Burundi peace process.

RESEARCH QUESTIONS

In order to achieve the said purpose, the study has formulated four research questions as the basis of the research. These questions are:

- What have been Tanzania's relations with Burundi over time?
- Why and how has Tanzania been at the centre of Burundi's Peace Process?
- What is the role of Tanzania in the Burundi's peace process and what factors have determined Tanzania's assumption of such role?
- Did change of mediators, from Julius Nyerere of Tanzania to Nelson Mandela of South Africa affect Tanzania's role in the Burundi peace process? If so, why and how?

SCOPE AND LIMITATION OF STUDY

The research is limited to the study of the role of Tanzania in the Burundi Peace Process from 1993 to mid 2006. In the study, different phases of that process will be identified and Tanzania's roles will be examined. In doing so, the study will critically investigate Tanzania's participation in different levels of the Burundi peace process: national, regional and international which is considered as very significant. For example, Tanzania's active involvement in the Regional Peace Initiative for Burundi, its membership at the United Nations Security Council as well as its contribution to the formation of the UN Peace-building Commission which is instrumental to the post-conflict Burundi. Domestically, the research shall look at Tanzania as a host of Burundi refugees as well as the Burundi peace negotiations.

AIM AND RATIONALE OF THE STUDY

Aim

Tanzania, for more than ten years, has been at the centre of the peace process in the Great Lakes Region in general, and Burundi in particular. She has played an influential and significant role during this period. On August 28, 2000, 19 parties participating in the Burundi peace negotiations signed in Tanzania what is referred to as the Arusha Peace and Reconciliation Agreement. The agreement was a product of twenty six months of intensive and tough negotiations and consultations. As Tanzania was and still is at the centre of that process, the aim of this research is two- fold. First, to investigate Its role in the Burundi Peace Process between October 1993 and September 2006, and second, to analyse the factors influencing its prominent involvement. This will help us, first, to understand how an individual country can contribute to the solution of an

intractable conflict facing its neighbour, within the context of complex regional, continental and international initiatives. Second, how Tanzania has managed to balance its own internal concerns with those of regional, continental as well as those of international actors in an effort to find lasting peace in Burundi.

Rationale of the study

This study is inspired mainly by the need to generate knowledge in conflict resolution. This is due to the fact that while significant literature exist on the Burundi conflict and its resolution, there is generally a dearth of literature on Tanzania's prominent involvement and particularly the role played in that process. Likewise, as internal conflicts continue to rage in the African continent, Tanzania's experience in the Burundi peace process is worth researching.

It unfolds complex issues which would assist in understanding how much conflict in one state can affect other state(s), and be a motivation to the latter towards searching for resolution. Indeed, the experience of Tanzania, being the most affected country by the conflicts in the region and its tireless efforts in resolving conflict, demonstrates not only the will and the practical reality of the concept of good neighborliness, but also its commitment to regional peace.

Tanzania, at the midst of conflict area, has managed to remain stable and peaceful uphold its neutral position as far as conflicts resolution and management in the region are concerned. Even during the trying moments of complex conflict situation in the Democratic Republic of Congo (DRC) which involved most of its neighbours, the country took a central position despite efforts to win support of either side.

In addition, the Burundi peace negotiations provide yet another example of the pursuit of "African solutions to African problems.' This conforms to the philosophy of Mwalimu Julius Nyerere, Tanzania's founding father, who advocated African unity under the banner of 'United States of Africa.'[6] Nyerere took African unity as an article of faith and envisioned his country's peace and security in terms of regional peace and security. He believed that a volatile region was a threat to Tanzania's national peace and security. This is worth investigating and documenting as it has a wider meaning of immediate relevance and far reaching implications for the Great Lakes Region in particular of providing valuable experience and useful lessons in dealing with other conflicts in Africa.

The Burundi Peace Agreement is a product of an African initiative which shows not only change of perception on the individual states and its continental body over internal conflicts but also

[6] Nyerere, J.: Freedom and Unity : A Selection of (is a word missing here?) from Writings and Speeches 1952-1965, Oxford University Press, Dar es Salaam. 1967, pp. 188-203. See also article on the same in the first issue of Journal of Modern African Studies January 1963

Africans acceptance of their problems and readiness to manage them notwithstanding non African involvement. This fact, also justifies the rationale of this study.

A further justification for the study is the fact that the Arusha Agreement is the first peace agreement to be implemented in the region. Previous agreements like the one signed in August 1993 between the former government of Rwanda and former rebels Rwandan Patriotic Front (RPF) in which Tanzania was the main facilitator failed. In addition, the involvement of multiple participants, Tanzania being among them, also justifies this study. Suffice it to conclude that this modest contribution is in line with the African Union's agenda on conflict management and resolution in the continent.

HYPOTHESISES

Actors in the Burundi Peace Process, as in other conflict mediation processes, are influenced by different factors and individual interests though some may be common to all. This study is built on the following hypotheses: (i) the proximity to the conflict which has likely spillover effects on another state can contribute to the type and speed of the latter's involvement (ii) that the more the conflict threatens the interest(s) of the third party, the more likely the latter would respond and help find the solutions to the crisis and if possible assume an influential role in the process. From the two, it is hypothesised that Tanzania's search for peace in Burundi is a response to the threat posed by that conflict to its 'national interests'.[7]

LITERATURE REVIEW

The literature review focuses, first, on the nature and dynamics of African conflicts, secondly, the Burundi conflict and thirdly Tanzania's role in resolving the Burundi conflict. It also focuses on the role of external actors in the Burundi peace process. As the literature review outline shows, the sub-topics are related, so some parts of the literature review were relevant to more than one sub-topic.

The Nature and Dynamics of African Conflicts

The increasing conflicts in Africa in the 1980s and 1990s have attracted many researchers. As a result there is an abundance of literature on conflict and conflict resolution in Africa to date. Many writers and scholars explain the root causes using different theories and approaches and propose varying approaches to their resolutions.

[7] According to wikipedia 'national interest' is a country's goals and ambitious whether economic, military or cultural. The national interest of a state is multi-faceted. Primarily is the state's survival and security. The notion is very important in international relations where pursuit of national interest is the foundation of the realist school of thought. Sourced from http://www.en.wikipedia.org/wiki/national_interet accessed on 2 August 2006ch

From North to South, East to West and Central, civil war is self-evident in Africa. One common feature of African conflicts is that "most of deadliest conflicts in post colonial Africa have been within states."[8]

Another common element is that notions of these conflicts have been about competition over resources.

Discussing the root causes of those conflicts, Adebayo Adedeji, relates them with resources and power, suggesting that "competition over resources typically lies at the intensity of struggle for political power in many African countries." [9] He argues that the aim of such struggle is to get access to and control over means of production which ensure the victors of economic benefits. As a result of this, he notes, is the deprivation of the opponents from social public goods by the victors hence increase in antagonism between the two. As will be realised in the next section, Adedeji's arguments conform with the situation in our case study (Burundi) where struggle for power is intensely linked with the access to scare resources.

Peter Wallensteen, for his part, outlines the causes of most internal conflicts as the build up of internal grievances, many associated with power relations, economic interactions and social fabrics.[10] In elaborating his point he says that the actors are largely, but not entirely, found along the lines of historically ascribed identities. In this case, Wallensteen argues that the conflict becomes 'ethnic' but does not include ambitions of territorially dividing the state. Looking at the Burundi case, as will be discussed later, the conflict superficially manifests itself as 'ethnic' but in essence it is not and both the main protagonists (Hutus and Tutsis) never considered in separation.

Morton Deutsch says whatever the reality; conflict is usually about one or another of control of power, preferences and nuisance and, the nature of relationship between parties.[11] Stephen Stedman describes the root causes of internal conflicts in Africa as basic to all populations, namely the tugs and pulls of different identities, the differential distribution of resources and access to power and competing definitions of what is right and what is wrong. [12] Elsewhere, Stedman lays blames for

[8] Mazrui, A. "The Failed States and Political Collapse in Africa" in Otunu ,O & Doyle, W (eds) : Peacemaking and Peacekeeping for the New Century, Rowman & Littlefield Publishers,Inc. Lanham, Maryland. 1998, p.233
[9] Adedeji, A. "Comprehending African Conflicts" in Adebayo, A (ed.) : Comprehending and Mastering African Conflicts: The Search for Sustainable Peace and Good Governance: African Centre of Development and Strategic Studies-ACDESS, Zed Publishers, London. 1999, p.10
[10] Wallensteen, P.: Understanding Conflict Resolution: War, Peace and the Global System, Sage Publications, London. 2002, p.133

[11] Deutsch, M.: The Resolution of Conflict: Constructive and Destructive Processes, Yale University Press, London. 1973, p. 15
[12] Stedman, S. "Conflict and Conflict Resolution in Africa: A Conceptual Framework" in Deng, F M and Zartman W (eds),Conflict Resolution in Africa, R R Donnelly & SONS Co.Virginia.1991, p.368

recent African internal conflicts on colonial legacy as the immediate proximate causes.[13] On colonial legacy, he points out that legacy from colonialism predisposed much of Africa to violent conflict over distribution of resources, access to political power and basic political identities. He goes on to suggest that such legacies help to create a pattern of state and elite formation in which political leaders relied on external support to reward their allies and ignore the needs of their citizens. In addition, Stedman contends that proximate causes of African internal conflicts basically stem from political and economic conditions that existed in the post- colonial era, on one hand, and policies adopted by the elites to gain and consolidate power, on the other hand. Both views above by Deutsch and Stedman are relevant to the Burundi case where colonial legacy and policies pursued by the African elite during post independence period have their shares in the crisis which befell Burundi. This will be discussed in the next section.

John Dzimba, on his part, argues that the root causes of internal conflicts in Africa centre on four related conceptual issues namely; identity, participation, distribution and legitimacy.[14] In elaborating his point, he mentions crisis of national governance, lack of accountability of rulers, deprivation of political and economic participation coupled with abuse of human rights, poverty and exploitation.

There is also another view explaining the root causes of internal conflicts. This is referred as the weak state theory. Thomas Ohlsen describes a weak state as that which is characterised by a lack of societal cohesion and consensus in running of the state, inability of the state institutions to provide citizens with minimum levels of security and well being, fragile economy which cannot absorb external shocks and low degree of population legitimacy to status quo.[15] Although, Adedeji does not mention or use the concept of weak state he does however enlist some of the characteristics of such states as sources of internal conflict in Africa. These include complete disregard of the peoples' freedom, lack of empowerment and accountability by the government and general bad governance which he describes as the features of a divided society.[16]

There is another view which is close to the weak state theory which is advanced by William Reno. This is referred as the shadow state theory. Reno conceptualises the shadow state with the relationship between corruption and politics. He posits that in a shadow state, leaders minimise their services to the majority of the population so as to encourage individuals to seek personal favours in

[13] Stedman, S. "Conflict and Conciliation in Sub-Saharan Africa" in Brown, M. (ed.): The International Dimensions of Internal Conflict,, Centre for Science and International Affairs, John F Kennedy School of Government, Harvard University Cambridge,Massachsettes.1996, pp. 236-238

[14] Dzimba, J. "Towards Policy Options for Conflict Prevention and Peace building in Southern Africa" in Journal of Peace, Conflict and Military Studies,Vol.2 No.1 November 2002 pp. 3-4

[15]Ohlsen, T.: Power Politics and Peace Policies :Intra-state Conflict Resolution in Southern Africa Report No.50.Uppsala University,Uppsala.1998, pp.8-11

[16] Adedeji Op Cit p. 7

order to lure them for their support.[17] He adds that these states get support from outside. That is why when support ceased as a result of the end of cold war, rulers in these states lost their power. Chris Allen supports, in part, Reno's submission. He relates African conflicts with massive and endemic corruption. He argues that with such corruption, governments become incapacitated and unable to offer services to the people and thus consequently resulting into violence[18].

Charles Cater while acknowledging the withdrawal of external powers in Africa[19], as noted above by Reno, also concurs with what is referred to as resource-based conceptual model of armed conflicts developed by Paul Collier and Anke Hoeffer. The economic model of civil war, denotes that it is not political and social grievance per se that leads to civil war, but rather, for given levels of grievance, it is the opportunity to organise or finance a rebellion that determines if civil war occurs or not.[20] Paul Collier and Nicholas Sambanis further argue that in a state where there is abundance of natural resources and large number of youth inappropriately utilised, that state is prone to violent conflict. They cite Sierra Leone, as an example of such states. This view is also supported by John Hirsch who believes diamonds are the source of Sierra Leonean conflict.[21] However, this model can not be applicable to our case study where scarcity of resources is apparent.

Thandika Mkandawire identifies two sources of conflicts in Africa: the failure of elite to forge national unity on one hand and economic problems which have affected the continent for decades on the other hand[22]. He recounts inter-elite struggle for power which he claims often led to their (elite) support mobilisation on the ethnic identity basis. He however, blames leaders of nationalist movements for their failure to form unity during the decolonisation process. On economic crisis, he cites imposed externally-modeled economic policies accompanied by austeric measures. Those policies not only exerted pressure on the status quo, but also brought misery to normal populations. Besides, they created unimaginable gaps between the 'haves' and the 'have nots'.

Two-decades long economic crisis, and the structural adjustment measures adopted to address it, which together have put enormous pressure on the African body politic…. increased income inequality and favored dramatic increases in luxury consumption among *nouveaux riche*, the

[17] Reno, W. "Shadow States and the Political Economy of Civil Wars" in Berdal, M & Malone, D.: Greed and Grievance: Economic Agendas in Civil Wars, International Development Research Centre, Lynne Rienner Publishers, Boulder & London. 2000, pp. 47-57

[18] Allen, C. "Warfare, Endemic Violence and State Collapse in Africa" in Review of African Political Economy Vol.26,No.81 ,1999, pp. 367-384

[19] Cater, C "The Political Economy of Conflict and UN Intervention: Rethinking the Critical Cases of Africa" in Ballentine,K & Shermand, J. (eds): The Political Economy of Armed Conflict :Beyond Greed and Grievance ,International Peace Academy, Lynne Rienner Publishers, Inc. London. 2003, pp.19-20

[20] Collier, P & Sambanis, N.: Africa Civil War: Evidence and Analysis , The World Bank, Washington D C. 2005, p. xiii

[21] Hirsch, J.: Sierra Leone: Diamonds and the Struggle for Democracy. Lynne Rienner Publishers, Boulder and Colorado. 2001,

[22] Makandawire, T. "The Terrible Toll of Post-colonial 'rebel movements' in Africa: Towards an Explanation of the Violence against the Peasantry " in Journal of Modern African Studies Vol.40,No.2 June 2002 p.192

international businessmen and employees of international organizations and NGOs that have multiplied in numbers[23]

Mkandawire therefore concludes that such inequalities and austeric measures like currency devaluation and cut in subsidies created grievances which were manifested through participation in democratic movements, looting and violent riots and ultimately transformed into full blown civil wars. Part of Mkandawire's thesis is useful to our case study, as will be soon shown, namely that of inability of African elites to forge unity during struggle for independence (and post independence in that matter) and also ethnic identity in mobilising support.

Based on the literature survey, we can sum up the root causes of conflicts in Africa as a combination of poor governance, self-interest, inter-elite struggle for power, political and economic deprivation of majority of the population, and imposition of externally-modeled economic policies. In addition, was the superpowers' involvement as a result of the struggle during the cold war struggle for strategic interests and influences. With this overview of the nature and dynamics of African conflicts, now follows the background to the Burundi conflict.

Background to Burundi Conflict

In the above section the research made an overview of the nature and dynamics of African conflicts and this section will focus on the background of the Burundi conflict. Like most contemporary civil wars in Africa which are intractable, Burundi is no exception. The nature of Burundi conflict is ethnic-based which lies on the two strong ideological positions of Hutus and Tutsis. In spite of those strong positions, the causes could be studied within the context of the theoretical framework of dichotomy between underlying factors and ideological factors. The underline factors constitute political and socio-economic causes. On ideological factors, Gaudens Mpangala clearly synthesises that even if the source of conflict is political and economic struggle, conflict in Africa has normally taken the form of ethnicity, racialism, regionalism and religious antagonism.[24] In this respect, therefore, these have been used as ideological variables dominating conflicts in Africa as (ethnicity) in the case of Burundi.

Floribert Ngaruko and Janvier Nkurunzinza have identified three root causes of civil conflict which have characterised post independence Burundi history. These are Belgian colonial policy of 'divide and rule' which racialised Hutu and Tutsi, regionalisation of the society by Tutsi elites from the south and Rwanda's social revolution of 1959.[25] On colonial policy, they singled out decision to

[23] Ibid
[24] Mpangala, G. "The Nature of Conflict in Burundi" in Mpangala, G & Mwansasu. (eds): Beyond Conflict in Burundi. Mwalimu Nyerere Foundation, Dar es Salaam.2004, p.120
[25] Ngaruko, F & Nkurunzinza, J. " Civil War Duration in Burundi" in Collier, P & Sambanis, N. Op Cit. pp. 35-46

replace all the Hutu chiefs by Tutsis, a decision which marked the marginalisation of the Hutus and the Tutsi domination over Hutus.

Regarding regionalisation, they highlight the Tutsi elites for favoring the Tutsi, mostly of the southern province of the country. Ngaruko and Nkurunzinza refer to such favoritism as "Bururi exclusionary" political system which created suffering of untold proportion to those excluded. This, according to them, resulted in many political upheavals. Ngaruko and Nkurunzinza also concur with other authors who attribute the Burundi conflict with the 1959 social revolution in Rwanda. Like others, they argue that the similarities of social and institutional structures of the two countries influence each other. To Gilbert Khadiagala, the Burundi crisis is rooted in conflicts over political participation and resource scarcity, compounded by regional imbalances and militarisation of the society.[26]

Buluda Itandala contends that when the Belgians took over from the Germans in 1918, they inherited indirect rule but made considerable changes aimed at modifying political, social and economic formation of Rwanda and Burundi.[27] This was to facilitate the intensification of exploitation of raw materials from those countries. Among the changes, was to consolidate and modernise Tutsi aristocracy by producing a literate and educated Tutsi ruling class. This was done through the establishment of government and mission schools. The education system adopted by the colonialists instilled a sense of superiority among the Tutsi over the Hutus. "Thus education became the means by which the Belgians were able to impose an ethnic definition of eligibility on a new political class...ruling class could now identify themselves as 'Hamites' and their subjects as 'Bantu'."[28] Leonard Ndarabagiye adds that exclusion of the Hutus in education was done also by the Church, particularly the Catholic.[29]

In their study, Joseph Gahama, S. Matoroka, C. Nditije, P.Ntahombaye and O. Sindayizeruka, have described the Burundi conflict as sophisticated in nature both from distant past and recent past.[30] First, they say the root of the problem goes back to the colonial manipulations which led to the crystallisation of ethnicity. On this, they claim that the colonialists used different theories on race inequalities and deliberate falsification of Burundi's socio-cultural reality to portray the same as ethnically different. And second, the disastrous management of the post colonial era by the Burundi elites. This brought with it violence and authoritarianism. They suggest that with weak economy mainly dominated by the state, the state was perceived by many particularly, the elites, as a milking cow and the battle ground for survival of the fittest. Hence, the politics of exclusion

[26] Khadiagala ,G."Burundi" in Boulden, J.:Dealing with Conflict in Africa: The United Nations & Regional Organizations, Palgrave, Macmillan, New York. 2003, p.216
[27] Itandala, B. : "Ethnicity Versus Nationalism in Rwanda "A paper presented at CODESTRIA Conference,Arusha.1995
[28] Itandala Ibid
[29] Ndarubagiye Op.Cit p. 25
[30] Gahama et al " Burundi " in Adedeji, A Op Cit pp.80-89

became a mode of governance applied to anyone who did not think like the leaders and who refused to be their yes-man.[31]

Ali Mazrui, however, mirrors Burundi and Rwanda conflict using what he calls the phenomenon of dual society.[32] He argues that unlike plural society, such states are vulnerable to the risk of polarisation due to the absence of mediating groups. He adds that cultural frontiers without territorial frontiers in a dual identity within a country are a society at war with itself.[33] He however, does not ignore other factors stating that "Rwanda and Burundi are a combination of ethnic duality, population density, geographical intermingling and legacy of colonial and pre-colonial relationships."[34] Explaining possibility of conflict in a dual society, Ibrahim Elbadawi according to his findings, concludes that "ethnically polarized societies have higher risk from suffering of civil conflict".[35] Likewise, Reynal-Querol asserts that "exclusion of social groups is enough to cause civil war in an ethnically divided society".[36] But what is not discussed by these authors is the extent to which imbalance in such polarisation leads to conflict; For example, why is it that it was the minority Tutsis who were oppressing the majority Hutus in Burundi.

Rene Lemarchand takes a different look at the Burundi conflict. He dismisses historical antagonisms and colonial rule as causes of the conflict.[37] In contrast, he subscribes to "mythico-historical study" by Malkkis on Hutu refugees in Tanzania which claims that perceptions of particular events (like that of 1972 massacre) tainted with ethnic primodialism have facilitated the use of violence as a mode of discourse for both sides. Lemarchand however underlines the fact that ethnicity is used as a political resource deliberately manipulated by ethnic entrepreneurs for specific purposes of facilitating their entry into political arena.[38] He appreciates the fact that the Tutsi domination of the army and their monopolisation of politics and economics of the country aggravated struggle for the same between Tutsi elites with those of Hutu.

The peace process was a result of the assassination of President Ndadaye in October 1993, in an attempted coup by the military, to topple his democratically elected government. The event was followed by subsequent killings which forced many Burundians, particularly Hutus to flee the country.

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[31] Gahama et al Ibid p. 94

[32] Ethnic dual society refers to when a state comprises only two ethnic groups or when two ethnic groups amount to three quarters of the population. Also regional dual society refers to a situation where two regions are distinctly differentiated by its inhabitants' religious beliefs like in Sudan

[33] Mazrui, Op.Cit p.240

[34] Ibid

[35] Elbadawi (1999) as quoted by Reynal-Querol, M. "Ethnicity ,Political Systems, and Civil Wars" in Journal of Conflict Resolution, Vol.46,No.1 February 2002 p.29

[36] Reynal-Querol, op cit pp.39-40

[37] Lemarchand, L.: Burundi: Ethnic Conflict and Genocide, Woodrow and Wilson Centre Press and Cambridge University Press, Cambridge. 1994 pp 19-28

[38] Ibid. p.5

To many within and outside Burundi, the inauguration of President Ndadaye on July 10, 1993 following his convincing majority victory was conceived to be the new beginning in Burundi's political history. On the contrary, the results were not well received neither by the outgoing president nor his Tutsis allies, particularly the army. In his farewell address to the cabinet which comprised army officers and advisers, President Buyoya lamented that his failure in elections was not due to bad program, but rather because Burundians have decided to hand over the country to divisionists. He then urged the "Messrs Officers" to take their responsibilities[39] and his defeated party National Union for Progress-UPRONA also dismissed the elections.

The Tutsi extremists used youth wings and other militant groups to instigate violence and stage revolts. This took place before and after the swearing-in of the new president. Therefore, neither the news of reported failed coup before the swearing-in of the president-elect nor his assassination thereafter was any surprise. It is well argued that notwithstanding internal political and social dynamics, political reforms were instituted as a result of the pressure from the West on the one hand and the prevailing political changes unfolding in the continent at that material time on the other hand. It was evident that Buyoya and his allies were neither sincere to institute reforms nor were they ready to address the question of ethnicity.

The October 1993 coup d'etat was another indication that the Tutsi extremists were not prepared to share power with the Hutus, thus perpetuating their exclusionary policy against the latter. Likewise, the event may also indicate their determination to physically eliminate them. A quote from a Tutsi army major on his impression of the coup explains this:

> [Y]ou should see the events of [1993] putsch and assassination of Burundi's first Hutu
>
> President] as an act of democracy. It was simply a matter of the politically aware
>
> expressing dissatisfaction with unacceptable development in the country[40]

In contrast, unlike the previous coup and ethnic crisis, the October 1993 event attracted the attention of the world and immediate reaction was imminent, including condemnations and calls for further restraint to avoid mass ethnic killings. The following day, October 22, the European Union suspended its cooperation with Burundi and some countries too suspended their cooperation with Burundi.[41] With such pressure, a series of events then followed to institute order and also to find solution to the conflict. A 'compromise' president, Cyprien Ntaryamira, from Front for Democracy in Burundi-FRODEBU was appointed in February 1994. However he later died in April in a plane

[39] Ibid

[40] A Burundi Army major(a PhD holder) from university of Kentucky, in a meeting with Lt Colonel Marley and an official of US Embassy in Burundi 19 April,1994 source: United State Institute of Peace. cited in web , http://www.usip.org/burundi/burmarley.htmr

[41] Ngaruko &Nkurunzinza Op. Cit p.46

crash with his Rwandan counterpart, President Juvenal Habyrimana. Later on the 9 October 1994, another political deal referred as the Convention of Government was reached. Following this Compromise, President Sylvestre Ntibantunganya was elected. It must be noted however that during the period between January 1994 and July 25,1996 when Buyoya staged a coup, it was the military which was running the show through National Security Council which the president had to consult for any of his decisions.[42]

Against this backdrop, we can summarise the source of Burundi conflict as basically a contestation for state power control and ethnicity being a conveyor belt for political and economic competition on the one hand, and military *coups* on the other hand. Accordingly, it is evident that whatever explanation we might have to describe the root causes, the Burundi conflict reflects its past history. Since the past makes the present, so does the past and present predict the future. Below follows a brief overview of the role played by Tanzania in the Burundi Peace process.

Tanzania's Role in the Burundi Peace Process

Although the negotiations process was entrusted to special facilitators, namely the late first President of United Republic of Tanzania, Mwalimu Julius Nyerere and later former President of South Africa Nelson Mandela, as I mentioned earlier different players including countries, individuals and institutions played different roles in different times as well as in different capacities. Tanzania is one of those players which were, from the very beginning, involved in playing different critical roles. These roles included, among others, persuading conflicting parties to enter into negotiations, hosting negotiations (by providing venue and logistics to parties) and since the signing of the Arusha Peace and Reconciliation Agreement it fully engaged in bringing into the agreement the rebel groups[43] which were not party to it.

Likewise taking into consideration Mwalimu's role as a mediator on the one hand and the fact of being former president on the other hand, it is argued that it was difficult to devoid him from the Tanzanian government. He was, first, a retired president and secondly at the beginning of his work as facilitator, was facilitated by the government. Indeed, Tanzania participates in the implementation of the peace agreement. Besides Tanzania was (and still is) the Vice Chair of the Regional Peace Initiative on Burundi and has played host to Burundi refugees for decades. In this regard, the problem of Burundi refugees became as prominent as regard to relations between the two neighbours and was also prominently featuring in Tanzania's relations with the international community.

[42] For discussion on this see Maundi (2000) Op Cit p.83 and Ndarubagiye Op. Cit pp.80-91

[43] see International Crisis Report ,The Burundi Rebellion and The Ceasefire Negotiations, Africa Briefing, August 6,2002 p. 21

Based on this understanding, the study underlines Tanzania's 'special interests' in the resolution of the conflict. This was clearly confirmed by the following expression from Tanzanian President Benjamin Mkapa:

Tanzania has hosted refugees for almost five decades now. We have often paid dearly for that humanitarian gesture, in terms of security, in terms of economic and social development and in terms of strain relations with neighbours.[44]

Tanzania's foreign policy towards its neighbours has always been that of peaceful co-existence and fostering good neighbourly relations on which of late emphasis on regional economic relations have been featuring prominently. But as is elsewhere, individual country's internal stability is central to the general regional stability which is crucial to the realisation of this goal .That is why regional peace and stability has been always top in agenda for Tanzania's leadership. In the words of Mkapa:

We [people and government of Tanzania] will always stand on the side of peace. We will continue to do everything we can to contribute to peace in Burundi...for many years we have done whatever we could to contribute to peace in Burundi and other countries in this region. We did so for no reason other than the pursuit of peace, security, reconciliation and development in all our neighboring countries. I want to affirm our commitment to peaceful co-existence and good neighborly relations with all countries.[45]

Tanzania affirmed its commitment to peace in the region during the period of its tenure as president of the United Nations Security Council in January 2006 where it sponsored the adoption of Resolution 1653 (2006) on the Great Lakes Region. In its first intervention at the Security Council it reiterated that:

[Tanzania's] primary agenda for so doing (rejoining UNSC) was to make a concrete contribution to the search for a lasting solution to the conflicts in the Great Lakes Region. With that in mind and as a fervent believer in multilateralism by United Nations and International Community, Tanzania resolved to use the occasion of her presidency of Security Council to put the Great Lakes Region's issues of peace, security and development high on agenda of Security Council.[46]

As noted earlier, Tanzania's efforts in the Burundi peace process were part and parcel of the collective efforts by various players and actors. The study now moves to another section of the role of other players in the Burundi peace process.

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[44] Closing statement by The President of the United Republic of Tanzania, Benjamin Mkapa at the Symposium on Great Lakes Region, Nile International Conference Centre Kampala, and April 10, 2002. For further discussion on this see also International Crisis Group Report(August 2002) ibid. pp. 11 and 13

[45] Statement by H E Benjamin Mkapa, President of the United Republic of Tanzania at the Official Launch of the Burundi Ceasefire Talks, Whites Sands Hotel. Dar es salaam , 12 August 2002

[46] Why was there a need for a UN Resolution for the Great Lakes Region Security Problems? Intervention by Tanzania at UNSC January 2006

The Role of Other Actors in the Burundi Conflict

Having briefly analysed the role of Tanzania in the Burundi peace process, the study now turns to the role of other actors in the Burundi peace process. This is so because Tanzania's role cannot be discussed in isolation with other actors. The aim is therefore to establish how these actors participated and particularly how their involvement facilitated the process. It is true that in the post Cold War period, civil wars have increased in Africa. The period, however, has also witnessed the resolution and management of those conflicts becoming increasingly important. There have been various efforts to resolve conflicts in the continent involving actors from both within and outside Africa. But the trend shows greater involvement of players within Africa. This could be attributed to various factors: First, major powers' fading interest on the continent. This is a result of the demise of cold war. African problems are now considered African, hence it is Africa's own responsibility, and using biblical words "every body should carry his own cross". This is documented in emerging literature. Chris Allen notes that:

[B]roader view of contemporary wars in Africa –that they are internal wars, and that their causes and solutions lie 'within' rather than the international community sharing responsibilities, both for cause and solution.[47]

Secondly,, a 'new awakening' among African leadership in dealing with internal conflicts in the continent. The first point and the negative effects caused by these civil conflicts contributed to this. They (conflicts) inflicted adverse negative effects within their respective countries and neighboring states, as well as the respective regions. Within the same context, there is a growing interest among states to address conflict resolution on a regional basis in a bid to achieve regional security as argued below;

[T]he shift from cooperation in areas of soft security to matters of high politics, such as conflict resolution, security, and defense on which states have traditionally remained hesitant. This shift has great potential to facilitate the attainment of regional security.[48]

In the aftermath of Ndadaye's assassination, Burundi was characterised by arbitrary ethnic killings and gross human rights violations[49] which led thousands of civilians fleeing to neighboring countries, mainly, Tanzania.

Joseph Butiku points out that the result was a consensus by the players to intervene in order to save the lives and halt human rights abuses and then mediate the conflict.[50] As the conflicting

[47]Allen, C. "Editorial :Ending Endemic Violence :Limits to Conflict Resolution in Africa " in Review of African Political Economy No.81 Vol.26 September 1999 p.321
[48] Juma, M. "The Intergovernmental Authority on Development and East African Community" in Baregu, M & Landsberg, C.: From Cape to Congo: Southern Africa's Evolving Security Challenges , IPA, Lynne Rienner Publishers.Inc.Boulder,Colorado.2003, p.226
[49] Lemarchand Op. Cit pp. xii-xiii

parties were not prepared for negotiation, thus, intervening efforts were made by external players[51] to bring the parties to the negotiation table. The players were concerned about the human tragedy in Burundi and the far reaching effects of that situation on the regional peace and security.[52] It is worth noting that the period under study coincides with the Rwandan genocide which had already put the region in a severe situation of insecurity.

In his contribution, Mpangala isolates the potential contagion effects of the Burundi conflict as the main motivation for collective intervention by regional and continental leaders. He notes that:

> [I]ncreased instability in the region in the aftermath of the genocide in Rwanda and explosive potential of cross-border alliances by the various political and military actors threatening recurrence of 'Rwanda' led the countries of the region, the UN and OAU to the realisation that they were facing a volcano about to erupt. Hence they felt they were duty bound to do something about it and that the problems of Burundi would have to be addressed in a regional framework.[53]

The idea was well received by regional leaders. Its immediate adoption could be well explained by the fact that there was a growing and perceived fear of regional war not only among leaders but also the normal population**.** It could be argued that the leaders had borrowed a leaf from the experience of West African civil wars. These wars had threatened regional stability by destabilising neighboring states. Summing up those experiences, Alhaj Bah explains:

> [A] major lesson learned during the conflict in Liberia and Sierra Leone is that instability in one state can not be contained in that state alone and poses grave danger to the security and stability of others. Hence no member state can expect to isolate itself from the political crisis in another state.[54]

Furthermore, Olara Otunu elaborates the same using the example from West African region that, "local conflicts have a tendency sooner or later to walk across national borders, spreading violence and refugees in their paths and destabilizing entire regional neighborhood."[55] This brought up two emerging tendencies with regards to governing and managing relations among states. First, the legitimacy of third party intervention on humanitarian grounds[56] as a new challenge to the principle of non-interference of the internal affairs of the states as embodied in the principle of state

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[50] Butiku,J. "Facilitation of the Burundi Peace Negotiations" in Mpangala & Mwansasu (eds) Op. Cit pp 64-65
[51] They included regional leaders, AU (then OAU), United Nations Security Council, and countries like United States and European Union.
[52] Butiku. Ibid
[53] Mpangala Op. Cit p.53
[54] Alhaj M S Bah. "West Africa :From Security Complex to Security Community'' in Africa Security Review, Institute for Security Studies, Pretoria.2005, p. 77
[55] Otunu, O. "Peace and Security Agenda of United Nations" in Otunu, O and Doye, M. (eds): Peace making and Peacekeeping For the New Century, Rowman & Littlefield Publishers, Lanham, Maryland. 1998, p.317
[56]Wheeler, N. "Humanitarian intervention and World Politics" in Baylis,J & Smith,S.: The Globalization of World Politics ,Oxford University Press, London. 1998, pp 398-402

sovereignty. Second, is a change of attitude (as well as perception) by African states and its continental body-AU towards management and resolution of internal conflicts. It is viewed that of late African countries through its continental body are keen to resolve conflicts in Africa unlike before where most countries were shying away from dealing with them.

The signing of Burundi Peace Agreement in Arusha in August 2000 can be regarded as one of the products of the new awakening in African leadership mentioned above. It is the result of an intensive and complicated mediation process, engaging parties in the conflict. The process lasted nearly two and half years. It had involved different players, playing different roles to facilitate its realisation. In spite of that fact, the Burundi Peace Process has been conceived by Heads of state and Government of the Great Lakes Region[57] as a Regional Initiative.[58] To put it in a theoretical perspective, it is part of a reactive approach[59] to conflict resolution by the region. In addition, it demonstrates perceptual transformation of the African states and their regional bodies' attitude towards internal conflicts[60] as previously explained.

The thrust of this regional initiative, was putting to an end conflict in Burundi, which had been part of history of that country since independence. It should perhaps be noted that efforts to resolve the Burundi crisis were more or less slowed down by the lack of strong regional institutions like Economic Community of West Africa (ECOWAS) in West Africa. This was also the case with the Rwandan conflict. As a matter of fact, the Great Lakes Region was only recently conceived following outbreak of wars in Burundi, Rwanda and DRC and their contagious effects on countries in the region. This view, as Salim A. Salim admits, is more accepted, and though does not rule the historical trends in the regional development. "It has to be admitted, however, that the current conception of The Great Lakes Region is a product of both recent troubled history and historical development."[61]

However, before the Burundi Peace Initiative was officially conceived by the region, different efforts were made to resolve the conflict. These included two OAU summits between November 1995 and March 1996 in Cairo and Tunis respectively. They involved leaders from the region and some prominent leaders like the former president of Tanzania Mwalimu Nyerere who later became the facilitator, Jimmy Cater of the United States, Toumani Toure of Mali and Archbishop Desmond Tutu from South Africa. It is against this background that this study aims to explore Tanzania's role at different levels namely national, regional and international. For example, Tanzania's active

[57] The concept of Great Lakes Region is explained by Salim Ahmed Salim "Burundi in the Context of The Great Lakes Region and Africa" in Mpangala,G & Mwansasu,D (eds.) Op. Cit.
[58] Butiku Op. Cit p.65
[59] for definition of the concept "reactive" approach see Mpangala "The Theoretical and Methodological Perspective of Conflict Resolution in Africa" in Mpangala, G & Mwansasu ,B (eds.)Op Cit pp. 6-19

[60] Maundi, (2000)Op Cit p.165
[61] Salim, S. "Burundi in the Context of the Great Lakes Region and Africa" in Mpangala & Mwansasu.: (eds) Op Cit pp. 388-389

involvement in the regional initiative within the Great Lakes Region as well as its membership on the United Nations Security Council and its contribution to the establishment of the peace-building commission which is instrumental to post-conflict Burundi. These are among the gaps which this study wanted to fill. To achieve the study's goals, theoretical and conceptual applications were applied. Below is the discussion on the same.

CONCEPTUAL FRAMEWORK

The study applies broader concepts in conflict and conflict resolution as a basis of the research investigation and analysis. Different key concepts on conflict and conflict resolution methods are defined, examined and adopted to assert their relevance and also how applicable they are to the study. The discussion on these concepts now follows.

Conceptualizing internal conflict

Klaus Nurnberger, John Tooke and William Domeris write that the essence of conflict is the instinct of all living organisms to survive both as species and as individuals, and to develop their potentials.[62] In this case, for human beings, they identify different needs, among others, survival needs, community needs, prosperity needs, aesthetic needs, intellectual needs and religious needs. These needs are for their survival. Hence, if they are threatened or their fulfillment is obstructed by any cause, usually, the human beings' response is self-assertion.[63] This means human beings have been in constant competition to satisfy their daily needs. If that is the case then, how do we define conflict?

Conflict can be defined as a situation of competition in which the parties are aware of the incompatibility of potential future positions in which each party wishes to occupy a position that is incompatible.[64] Conflict therefore denotes the existence of individuals or groups pursuing different goals and the processes are not necessarily violent.[65] Internal or intrastate conflict is distinguished from inter-state conflict as the former is purely domestic whereas the latter is between states. Internal conflict can be defined as a dynamic socio - political and economic dispute whose source can be traced within domestic factors. Bearing in mind the fact that conflicts are unavoidable in modern state system, one of the critical responsibilities of the state is to safeguard and balance out legitimate interests of the citizenry in general and legal system in particular. On the contrary, failure

[62] Nurnberger, K, Tooke, J & Domeris, W. (eds): Conflict and the Quest for Justice , Encounter Publications,Pietermaritzburg.1989, p.13
[63] Ibid.
[64] Boulding; K.: Conflict and Defense: A General Theory, Harper & Row Publishers, New York. 1996, p.5
[65] Stedman, Op.Cit pp. 367-399

to achieve such balance leads to violent conflict. For the purpose of this study, we need to briefly revisit violent internal conflict or civil wars/ armed civil wars.

Mirjam Sorli describes civil war as that which "occurs between government of the state and internal opposition without intervention of other state[s]."[66] However Sorli quotes from elsewhere that armed civil conflict as "a contested incompatibility which concerns government and/or territory where use of armed force between two parties of which at least one is a government of a state, results at least 25 battle related death."[67] Melvin Small and David Singer characterize civil war as that which involves internal military action between the government and the opposition with effective resistance by both parties.[68] What distinguishes internal conflict from interstate war is the fact that parties to the conflict and action take place within the sovereign state without involving external forces. Once there is external involvement and recruitment, according to Sambanis, the war is no longer referred as internal but inter-state war.[69]

There are two approaches to understanding the nature of internal conflict, namely, that of elitists or institutional/structural approach and ethnic approach. Institutional or structural theory of conflict posits that the primary motivation of conflict is competing interests among groups. The theory identifies sources of conflicts in the social, economic, and political organisation of society. Based on that, structural conflict can be defined as "an outcome of incompatible interests based on competition for scarce resources; it is objective because it is defined as largely independent of perceptions of participants and emanates from power structures and institutions."[70] This means a group of people in power undermines the competitiveness of other population groups by among others, oppressing, discriminating, depriving and humiliating the other population groups. In the process, the group, because it is in power, uses state institutions like legislature, judiciary, administration, and even the army and police to deprive others from accessing resources. Hence, the group in power enjoys the monopoly of political, economic power and social privileges at the expense of the other groups.

On the contrary, the ethnic approach emphasises on the role of culturally shared, profound 'we-they' oppositions, the conceptualisation of enemies and allies, and deep-seated dispositions about human action, stemming from earliest development.[71] The thrust of this contention is that conflict

[66] Sorli, M. "Why Is There So Much Conflict in Middle East?" in Journal of Conflict Resolution,Vol.49,No.1,February 2005 p.149
[67] PRIO/UPPSALA Data as quoted by Sorli Ibid
[68] Small, M and Singer, D.as cited by Sambanis, N. "What is civil War? Conceptual and Empirical Complexities of an Operational Definition" in Journal of Conflict Resolution, Vol. 48,No.6, December 2004, p.814-858

[69] Sambanis, N. Ibid
[70] Utterwulghe, S. "Rwanda's Protracted Social Conflict: Considering the Subjective Perspective in Conflict Resolution Strategies " in OJPCR: Online Journal of Peace and Conflict Resolution, Issue 2.5,August 1999, p.3 web source: http://www.trinstitute.org/ojpcr/p2_3utter.htm accessed on 20 October 2006
[71]Rose, T. The Management of Conflict: Interpretations and Interests in Comparative Perspectives, Yale University Press, New Haven,1993 p.18 as cited by Utterwulghe, Ibid p. 4

occurs when a group in a society is discriminated against and deprived, on the basis of its identity, of means and opportunities to satisfy its needs. Ethnicity, according to Horowitz, is an inclusive concept which covers differences identified by skin color, language, religion or other attribute of common origin.[72]

Internal conflicts can be classified into two; centralist, in which insurgents fight for a share in the central authority or even overthrow the existing authority. For instance, when a group is fighting for recognition of its rights from the central government but it has no intention of breaking up from the said state. Or, an insurgent group fights to overthrow an oppressive government in power. Both are coded as centralist civil wars. Here Burundi and Rwanda could be cited as examples. On the contrary, if a group fights against the government in power to form an autonomous new government from the existing one that is secessionist or regionalist war. "Secessionist civil wars...seek to redraw the boundaries of the political community.[73] Jaroslav Tir defines secession as:

[A]n internally motivated division of a country's homeland (that is non colonial) state with at least one new independent (that is secessionist state) with full sovereign rights and legal recognition by international community and leaves behind the new territorially smaller rump state.[74]

Among successful secessionist wars are Eritrea against Ethiopia and East Timor against Indonesia whereas among the unsuccessful ones are those of Biafra in Nigeria and Katanga in the then Zaire now Democratic Republic of Congo. Now, the discussion moves to the third party intervention.

Conceptualizing Third Party Intervention

Third party intervention in interstate conflicts is a common practice in conflict management and resolution in international relations. Unlike in intra-state conflict, in internal conflicts third party intervention is somehow complicated particularly when it is a violent third party intervention. The complexity originates from the principle of non-interference of the internal affairs of a state which is the core of the state's sovereignty. It is agued that the principle has been a stumbling block towards effective resolution of many internal conflicts. As Dzimba notes, due to this principle many states confronted by internal conflicts resist external mediation efforts by insisting that those conflicts are exclusively internal ones.[75]

[72] Horowitz, D. Ethnic Groups in Conflict, University of California Press,1985 as cited by Reynal-Querol, M. "Ethnicity, Political System ,and Civil Wars " in Journal of Conflict Resolution ,Vol.46,No.1, February 2002, p.32

[73] Mazrui, A Op. Cit p.223

[74] Tir ,J. "Keeping the Peace after Secession: Territorial Conflict between Rump and Secessionist States" in Journal of Conflict Resolution Vol.49,No.5,October 2005, p.714

[75] Dzimba Op. Cit

The experience shows that the principle is also used to refuse international action to assist the needy and to protect those in danger. Pease and Forsythe elaborates in the statement:

[E]ven when a number of fundamental rights specified in the two 1966 UN Convents on human rights were being denied (e.g., rights to life, adequate nutrition, adequate shelter, freedom from arbitrary detention, torture, and mistreatment),some governments used claims to state sovereignty to block international actions that could have ameliorated these denial rights.[76]

However there is, today, a growing consensus amongst players in International Relations including academics, diplomats, politicians and human right activists that there is a need to redefine or reexamine sovereignty in relation to responsibility rather than legal application as it is now. Francis Deng puts the argument that "state sovereignty should be understood as responsibility rather than as a legal privilege."[77] This means advocacy for more states responsibilities to their peoples' welfare. William Zartman elaborates, "ideas of sovereignty as responsibility, concerns for human life, and enlightened interests of restoration of domestic and international order."[78] The concerns become imminent, he argues, when the domestic actors (the government and opposing side(s)) have failed to resolve their conflict and need help to restore order so that domestic welfare and international order can be protected.

Mkapa on his part advances this argument by denouncing the use of the principle to keep a wall on bad governance as follows:

[W]e must now stop misusing the principle of sovereignty and non-interference in internal affairs of states to mask incidences of poor governance and unacceptable human rights abuses....it is inevitable to conclude that [the] principle of non-interference in the internal affairs of state can no longer find unqualified, absolute legitimacy.[79]

He accentuates his argument by citing the aftermath of 1994 Rwanda genocide and its contagious effect on the region. He notes that some civil wars are a product of failure of the structures and processes of internal governance, but they have spillover effects and can produce unnecessary tensions between neighboring states. To him, probability for intervention must be placed on the table as part of regional strategy for durable peace and security

The debate has also taken its stage at the level of UN leadership as its former Secretary-General Javier Perez de Cuellar notes:

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[76] Pease, K & Forsythe, D. "Human Rights , Humanitarian Intervention, and World Politics" in Human Rights Quarterly Vol. 15,No.2, May 1993, p. 305

[77] Deng, F.: Sovereignty as Responsibility: Conflict Management in Africa, Washington DC,Brooking 1996 as quoted by Dzimba Ibid

[78] Zartman, W. : Cowardly Lions: Missed Opportunities to Prevention of Deadly Conflicts and State Collapse, Lynne Reinner Publishers Inc. Boulder, Colorado. 2005, p. 2

[79] Welcoming Statement by The President of United Republic of Tanzania, His Excellency Benjamin William Mkapa, at The First Summit of The International Conference on The Great Lakes, Dar es salaam,19TH November 2004 pp. 4-5

[I]t is increasingly felt that the principle of non-interference within the essential domestic jurisdiction of states cannot be regarded as a protective barrier behind which human rights could be massively and systematically violated with impunity. The fact that in diverse situations United Nations has not been able to prevent atrocities cannot be accepted as an argument, legal or moral, against the necessary corrective action, especially when peace is threatened.[80]

De Cuellar's view carries many of UN members' concerns on misuse of that principle at the detriment of innocent civilians who suffer from their own governments' brutality and suppression. He acknowledges the failure of the world body to act promptly to address such atrocities but also emphasises that such failure cannot be taken as a precedence to justify future acts of human rights violations. The incumbent UN Secretary General, Kofi Annan also concedes this view when he declares that the principle does not make a state absolute, for the UN Charter was issued in:

[T]he name of the 'peoples' not the governments of the United Nations…The charter protects sovereignty of the people. It was never meant as a license for governments to trample on human rights and human dignity. Sovereignty implied responsibility not just power.[81]

Third party intervention on humanitarian grounds, contends Jan Nederveen Pieterse, raises the question of political responsibility in the era of globalisation, and inaugurates a new kind of citizenship, namely, the citizenship of humanity. He claims that the changing mode of interactions between states marks the end of the cold war where state absolutism was the order of the day, and opens a new mode of interaction between states where sovereignty is taking new dimensions:

[T]he increasingly widely accepted humanitarian intervention… marks the cusp of a time of transition. Behind us lies the era of the statist paradigm, the billiard ball model of interstate relations. A long period of deepening interdependence, accelerating since the late-nineteenth century, has narrowed the scope and changed the nature of sovereignty, which is now increasingly circumscribed by international conventions and implicated in transnational economic relations.[82]

He compares conflict situations during cold war era and post cold war era. He notes that conflicts which were contained because of cold war geopolitics and ideological alignments have come to the fore. Human rights abuses that used to be condoned because they were committed by allies in the name of cold war authoritarianism are now viewed in different light as the background becomes foreground.[83]

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[80] UN Document A/46/1,1991 as cited by Pease & Forsythe Op. Cit p.308
[81] Kofi, Annan. Intervention. Ditchley Foundation Lecture,XXXV,2 as cited by Lyon, A & Dolan,C. "American Humanitarian Intervention: Toward a Theory of Coevaluation " in Foreign Policy Analysis Vol. 3,No.1, January 2007 p.48
[82] Pieterse, J. "Sociology of Humanitarian Intervention: Bosnia, Rwanda and Somalia" in International Political Science Review Vol. 18,No.1 January 1997, p.72
[83] Ibid

Urquhart takes this issue as one of 'sovereignty against suffering'[84] and says that many developments of our time challenge the validity of the principle of total sovereignty, reminding us of growing interdependence. He is therefore astonished that the concern of human suffering and human rights often tends to stop at the borders. However the debate surrounding third party intervention resolves around two contentious issues: on the one hand, the balance between state sovereignty and human rights, and on the hand the question of legitimacy and justification of intervention.

Notwithstanding this debate, the need for external intervention both violent and non violent emerged because of increasing conflicts which affect human lives and endanger general human security in those states in conflict. Indeed, interventions are also prompted by the danger posed by those conflicts to the peace and security of the region. This, it is argued, third parties sometimes act because of the pressure from the public. Regan is one of those who advance these claims:

In modern [the] world, humanitarian crises to some extent have impact felt by global community, and it is reasonable to expect states to attempt to minimize the social dislocations associated with these crises. Domestic constituencies may press strongly for such active policies, particularly when the conflict and the resulting carnage may play out through local media.[85]

As argued in the above quotation, cases of indiscriminate killings, serious abuses of human rights by both contending parties (including governments in power) like in wars in Sierra Leone, Liberia, Sudan and Burundi compelled the world to consider humanitarian interventions. The main purposes of such interventions are to save lives and assist the parties to engage in negotiations.

Therefore, it is in the interest of human dignity to call for the need to broaden the definition of (national) security to include more aspects of life and values as well as emerging conditions. That is, to move from the state-centric approach which is the cornerstone of the realist school of thought on security, to a people-centered approach as some scholars have recently been advocating. Agostinho Zacarias, in his submission on re-conceptualising security, argues that the theoretical shift (from traditional understanding) would imply viewing security in terms of the philosophical underpinnings pertaining to the ideas of "the good life" which implies an all-embracing conceptual architecture of which peace, justice, order and economics are the main pillars[86]

Having reviewed the literature on third party intervention, this study now adopts a more specific third party intervention technique namely, mediation. This is because our case study does not involve other conflict resolution mechanisms associated with violent intervention. Distinguished

[84] Urquhart, B. "Sovereignty vs. Suffering" in New York Times, 4th April 1991, Sec. A 11 as cited by Pease & Forsythe op cit. p 291

[85] Regan, P "Choosing to Intervene: Outside Intervention in Internal Conflict" in The Journal of Politics, Vol.60 ,No. 3 August 1998 p.764

[86] Zacarias,A. "Redefining Security" in Baregu, M & Landsberg, C. (eds): From Cape to Congo :Southern Africa's Evolving Security Challenges, IPA, Lynne Rienner Publishers Inc. Boulder,Colorado. 2003, pp.33

from others, mediation involves less threat to state sovereignty; it is non coercive and more often acceptable to conflicting parties. The study below conceptualises the mediation of internal conflict.

Conceptualizing Mediation of internal conflict

This section discusses what constitutes mediation and the difference between mediation and other forms of conflict management mechanisms. The discussion also engages on key issues such as impartiality and neutrality which have attracted opposing views among experts and non experts of conflict resolution. The discussion starts with mediation.

Mediation, probably one of the oldest forms of conflict management, has been variously defined. However, such diversity of definitions, as we will see below, revolves around one or more of the following: differentiating mediators from other related third party intervention, their roles and integrity as well as anticipated results. Mediators encompass among others individual states, group of states, Non-Governmental Organizations (NGOs), individuals or groups of individuals and commissions

Cathie Witty defines mediation as "the facilitation of an agreement between two or more disputing parties by an agreed-upon third party. This third party is known a mediator."[87] Lars Stenelo's definition is "the process initiated by a third party in his attempts to facilitate solution of other parties' disagreements in order to ensure negotiated agreement."[88] John Dryzek and Susan Hunter define mediation as "a process in which the parties to a dispute attempt to reach a mutually agreed solution under the aegis of a third party by reasoning through their differences."[89] Beardsley, Kyle, Quinn, Biswas and Wilkenfeld on their part, see mediation as an "attempt to allow the crisis actors to identify and commit to alternatives from Zone of Alternatives (ZOA)."[90] Christopher Moore defines mediation as an extension and elaboration of the negotiation process which involves the intervention of an acceptable, impartial and neutral third party who assists contending parties in voluntarily reaching their own mutually acceptable settlement of the issues in dispute.[91] Another definition is from Black and Mouton who describe it as "the intervention of the third party who first investigates and defines the problem and then usually approaches each group separately with recommendations designed to provide mutually accepted solution."[92] Davis and Duncan contribute to mediation definition with the following:

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[87] Witty, C.: Mediation and Society Conflict Management in Lebanon, Academic Press Inc. New York. 1980, p 4
[88] Stenelo, L.: Mediation in International Negotiations, Studentliterateur, Lund. 1972, p.37
[89] Dryzek ,J & Hunter, S. "Environmental Mediation for International Problems " in International Studies Quarterly, Vol.31,1987, p 81
[90] Beardsley, Kyle et Al. "Mediation Style and Crisis Outcomes " in Journal of Conflict Resolution,Vol.50,No.1 February 2006, p.63
[91]Moore, C.: The Mediation Process: Practical Strategies for Resolving Conflict, Jossey-Bass Publishers, San Francisco.1987, pp.6-8

[92] Black, R & Mouton ,J.: Solving Costly Organizational Conflict, Jossey-Bass, San Francisco.1985, p.55

[A] third party dispute settlement technique integrally related to negotiation process whereby a skilled, disinterested neutral party assists parties in changing their minds over conflict needs mainly through the non compulsory applications of various forms of persuasion in order to reach a viable agreement on terms at issue.[93]

Jay Folberg and Alison Taylor describe mediation as a "process by which the participants, together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives, and reach a consensual settlement that will accommodate their needs."[94]

From this survey of definitions, we have realised that mediation is different from other negotiation variables like conciliation, adjudication, arbitration and good offices. Whereas negotiation generally refers to the peaceful means of resolving conflict through dialogue, mediation on its part plays the role of *facilitating* dialogue between those parties particularly when they are by themselves unable to conduct the negotiation. It is also evident that mediation is a process that leads a conflict to be resolved. It also appears that mediators should be neutral and /or impartial as indicated in Folberg and Taylor, Zartman, Davis and Duncan definitions.

However, the issue of neutrality or impartiality on the part of mediators has always been contentious. Some scholars, instead of neutrality, use impartiality or both. Some have tried to differentiate one from another. However, for the purpose of this study, such distinction is not of paramount importance. Hence, we use them interchangeably. Oran Young defines impartiality as follows:

[A] situation in which the intermediary has no biases or preferences in favor of one of the original player or another. That is, impartiality is a condition in which the intermediary has no personal interest in the relative distribution of payoffs among the original players.[95]

Many researchers and writers in conflict resolution in general and mediation in particular, suggest that neutrality or impartiality is one of the indispensable characteristics of a third party intervener. They argue that it is a necessary condition not only for his or her acceptability to mediate but also for his or her effective performance. However there also are opposing views on this.

According to Young, impartiality is a key condition to successful intervention. He argues that "a high score in such areas as impartiality ... would seem to be the heart of successful intervention in many situations."[96] In the same vein, Jackson emphasises that, "it would be difficult, if not possible

[93] Davis , H & Dugan , M. " Training the Mediator " in Peace and Change Vol.8,1982, p.85 as cited by Bercovitch & Rubin Op. Cit.
[94] Folberg, J & Taylor, A.: Mediation. Jossey-Bass, Francisco. 1984, p. 7
[95] Young, O. "Intermediaries: Additional Thoughts on Third Parties " in Journal of Conflict Resolution. Vol. xvi, No.1 March 1972, p.56
[96].Young, O.: The Intermediaries, Princeton University Press, Princeton, New Jersey. 1967, p.309

for single mediator who was distrusted by one of the parties to carry out any successful function [in mediation]."[97] Likewise Young attaches impartiality of the third party with its role by underlying that "the existence of meaningful role for a third party will depend on the party's being perceived as an impartial participant in the eyes of the principal protagonists.[98]

In contrast, David Brookmire and Frank Sistruck firmly contend that these characteristics (impartiality and ability) relate only to how a third party is perceived by parties in conflict, not its actual performance.[99] In addition, they stress on the effect of perceived impartiality, which is intuitively attractive but seems to have little effects on actual negotiation. Saadia Touval however, argues that impartiality in many ways is a subjective perception of the parties in conflict. Hence, it is neither a condition for acceptability nor success to third party intervention. To substantiate his view, he cites several cases of perceived biased mediators who were accepted to mediate conflicts.

Touval argues that their acceptability was not conditioned upon impartiality but was rather a decision influenced by the expectation of outcomes. "Whether intermediary is perceived as biased is one of the several factors shaping expectations, but by no means is it the preponderant consideration."[100] A case in mind is Nyerere's mediation of Somalia and Kenya conflict of 1965. Somalia appealed to President Nyerere to mediate the dispute with Kenya over the status of the Somali-inhabited area in northern Kenya. Touval contends that although Somalia President Aden Abdullah Osman knew of Nyerere's close relations with Jomo Kenyatta, and Nyerere's diplomatic efforts to isolate Somalia at Cairo's OAU

meeting in July 1964, nonetheless, Osman chose him to mediate. Surprisingly, however, it was Kenyatta who objected to Nyerere's mediation though at the end accepted him and met Osman.

Jacob Bercovitch and Rubin question the neutrality of third parties and hold the view that they are never neutral. "... Mediators are not, and cannot be neutral... (they) can be impartial, but they certainly not be neutral."[101] They argue that mediators have motives in initiating their entrance into mediation. They enlist four motives namely: first if mediators have clear mandate (referring to organisations like AU), and second if a conflict is likely to adversely affect their political interests. Third if they wish to preserve existing structures (if beneficial to them e.g. military or economic blocks), and fourth if it is the mediators wish of extending and enhancing their influence by being indispensable to the parties. It can however be argued here that, this mostly answers the next

[97] Jackson, E.: Meetings of Minds ,Mc Grow Hill, New York. 1952 p.129
[98] Young, O Op. Cit p.81
[99] Brookmire, D & Sistrunk, F. "The Effects of Perceived Ability & Impartiality of Mediators and Time Pressure on Negotiation" in Journal of Conflict Resolution ,Vol. 24,No. 2 June 1980, pp 312-325
[100] Touval, S. "Biased Intermediaries: Theoretical and Historical Considerations" in Jerusalem Journal of International Relations,Vol.1,No.1 Fall 1975, pp.67-68
[101] Bercovitch, J. "The Structure and Diversity of Mediation in International Relations" in Bercovitch, J & Rubin ,J. (eds): Mediation in International Relations :Multiple Approaches to Conflict Management, Macmillan Press Ltd,London.1992 pp. 6-8

pertinent question of why and how mediators enter into mediation: using James Wall Jr. and Ann Lynn's words, "under what circumstances does a third party answer a call and agree to mediate?"[102] Wall and Lynne argue though that not wholly mediators enter the dispute to maximise benefits of their constituencies or their allies.

However, as a fact, unlike third party violent intervention which is mostly undertaken without the consent of parties, third party non violent intervention has to be agreed upon by both parties as have been depicted in the definitions. Therefore, mediators are either invited or they themselves propose to offer their assistance. This is, may be, because of the aforementioned reasons or as humanitarian gesture. However, it is also assumed that some "intervene because they feel their assistance will be useful to the parties but others it is their profession."[103]

But what about the parties themselves, how can their acceptance of mediation be explained? Bercovitch and Rubin argue that parties in conflict seek or accept mediation because firstly, they believe the process will assist them to improve their understanding of the conflict and consequently get close to resolve it. Secondly, each party expects the mediator might nudge or influence the other and also expect guarantee of the implementation of agreed solution. Thirdly, parties want to hold others responsible for the failure of the mediation and finally, they accept mediation as a public relations exercise.[104]

Mediating internal conflict is always regarded as difficult because it is often assumed as being intractable with parties finding it difficult to reach a compromise. This is due to the fact that each assumes a zero-sum game and strives for high stakes of their demands. In this case, the parties' perception is that one's gain is another's loss. Hence preference will be given to a unilateral solution which is violence. On the contrary, if parties' perception of the conflict is win-win then the policy option will be dialogue. Therefore, the work of the mediator is to transform the environment from zero-sum situation to positive - sum situation and attitude in which each party comes out with some benefits; no one comes off unilaterally or exclusively best but all parties come off better than before.[105]

To internal conflict, like in this case study, it means convincing the government in power to recognise that violent antigovernment reactions are signs of grievance and a return to a legitimate governance means opening the political system to the participation of those opposing it. We have demonstrated earlier that Tutsi dominated government applied policies of exclusion and domination

[102] Wall, A Jr. and Lynne, A. "Mediation: A Review " in Journal of Conflict Resolution , Vol. 37,No.1 1993, p. 161
[103] Ibid
[104] Bercovitch and Rubin Op. Cit pp 8-9

[105] Zartman, W & Berman, M.: The Practical Negotiator, Yale University Press, New Haven, Conn. 1982, p. 123

of the majority Hutus. This made Hutus resort to violence trying to quash Tutsi domination. At the same time the Tutsi government has always been using force to suppress any attempt challenging its tyranny. Mohammed Maundi elaborates this point:

> [S]et in zero-sum terms, the government's perceived solution to the conflict has been a total Tutsi dominance in all spheres of country's life. The government's policy preference to any challenge of Tutsi political dominance has constantly been violent. The Hutus violent anti-Tutsi reaction to this oppression has always been logical response to Tutsi dominated government's violent offensive.[106]

As a result the study shows that it has taken the Burundi government over two years to accept mediation. In the case of Mozambique, parties took about five months dragging their feet on the choice of mediators[107]

It is worth noting here that a review of the literature on mediation suggests that there are some concepts which are used interchangeably to denote mediation or are intrinsically intertwined with mediation. That is, there is no consensus on classification of those concepts. As Ronald Fisher and Oraleigh Keashly note that there is "no agreed typology for classifying third party interventions... in some context terms are used interchangeably (e.g. conciliation and mediation) and in some cases, single term, usually

mediation, is used to refer to a wide range of different third party interventions."[108] For this study, the mention of third party consultation, facilitation and intermediaries needs no overemphasis. There have been efforts by some authors to differentiate them from mediation but it appears their efforts end up by describing or isolating roles played by third party at certain stages in the mediation process. In the case of third party consultation and intermediaries, the concepts mostly describe the preliminary stage or pre-negotiation stage.

Fisher and Keashly describe third party consultation as an intervention often in the form of problem solving workshops in which consultants work with parties to improve communication, diagnose underlying relationship issues and facilitate search towards creative resolution of conflict.[109] They add that the main roles of that intervention are just facilitative and diagnostic. Touval uses intermediaries, to denote third parties that intervene diplomatically in a conflict with stated purpose of contributing toward its abatement or termination, and they are accepted by the

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[106] Maundi (2000) Op Cit p.157

[107] Hume. C .: Ending Mozambique's War :The Role of Mediation and Good Offices, United States Institute of Peace Press, Washington D.C 1994 chapter two

[108] Fisher, R & Keashly, O. "The Potential Complementarity of Mediation and Consultation with a Contingency Model of The Third Party Intervention" in Journal of Conflict Resolution ,Vol.28,No.1,1991, p 33

[109] Ibid p.30

parties.[110] He argues by giving two characteristics of intermediaries which are the highlights of his definition of intermediaries. These are, being restricted to diplomatic initiatives and their acceptance by all parties in conflict.

Some writers on mediation assert that mediation is different from facilitation. William Dixon, among others, identifies three categories of conflict management practices according to groups of roles performed by an agent.[111] These are those of procedural matters like facilitating communication and enunciation issues, and those that require agents to assume somewhat direct and active roles like fact finding and supervising agreements. And finally, those at the heart of the dispute that is mediation and formal adjudication. Another author upholding this view is Ronald Fisher who labels facilitation as third party consultation. He argues that third party consultation can be distinguished from more traditional types of interventions on a number of dimensions including the degree of coercion applied to the parties, flexibility of the interaction and the nature of objective. He adds that "the approach is decidedly non-coercive, non-evaluative, relatively nondirective, and seeks exploration and creative problem solving with respect to basic relationships rather than settlement of specific issues through negotiation."[112]

As mentioned elsewhere in this study, the differences advanced by authors between mediation and those concepts, on the one hand are related to the roles played by third parties at different levels in mediation process, and on the other hand, show the measurement level of interactions of the third party with the parties in conflict during mediation process. Notwithstanding this debate, this study however, considers sharp distinction of these concepts unnecessary. With this survey of mediation, the following is the analytical framework of the study.

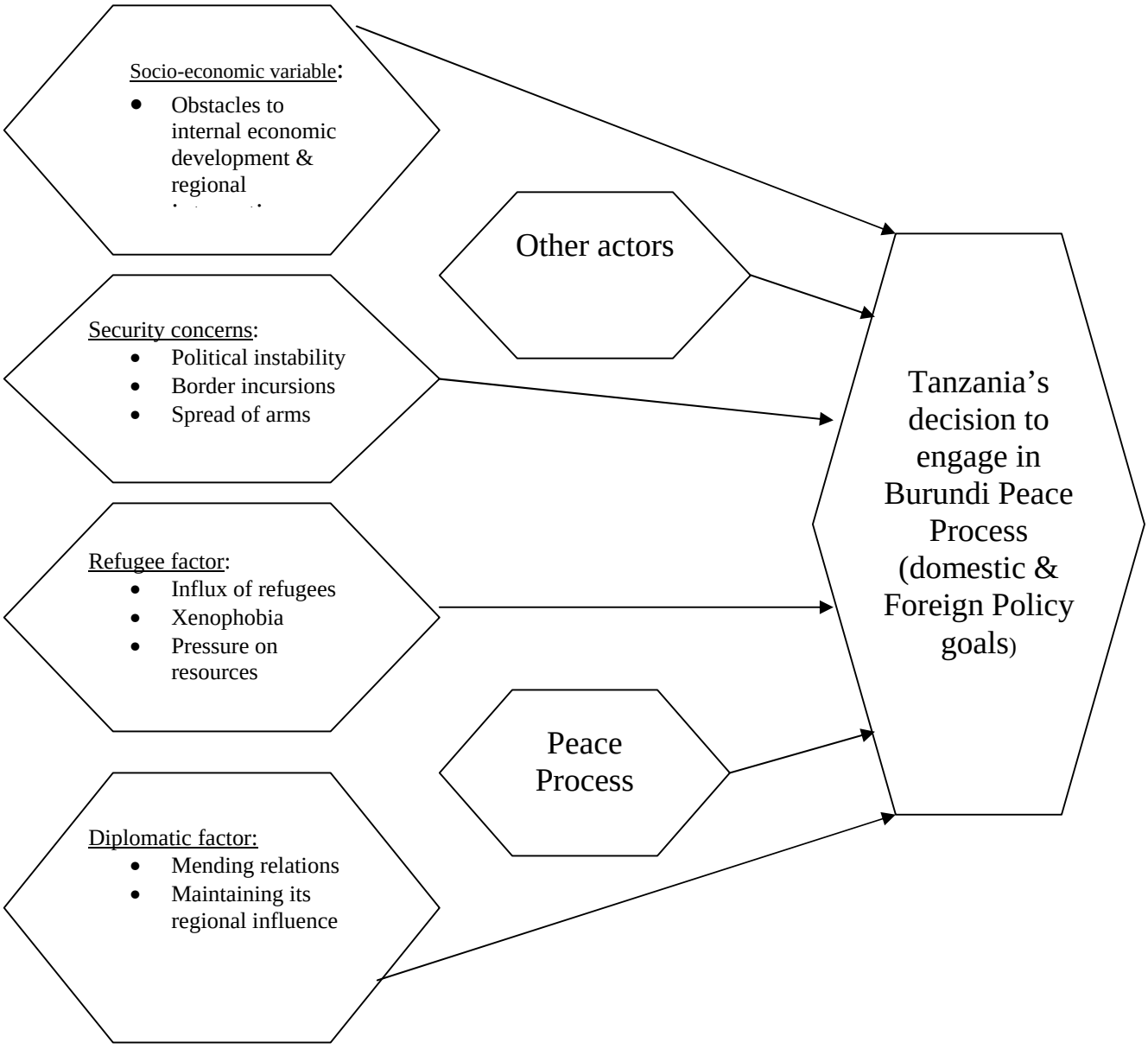
Analytical Framework

The analytical framework is important in order to show the causal relationships between various factors and how they relate or affect the study. The study has identified four independent variables namely social economic variable, security concerns variable, influx of refugee factor variable and diplomatic imperative variable. The causal diagram below demonstrates the relationships between those four variables with the research's dependent variable which is Tanzania's decision to engage into the process of resolving Burundi conflict and referred in this study as Burundi Peace Process. The study argues that the Burundi conflict inflicted negative impacts on Tanzania which threatened its national political, economic, social, and security stability. As a result of these impacts, Tanzania

[110] Touval, S Op. cit 52
[111] Dixon, W. "Third Party Techniques for Preventing Conflict Escalation and Promoting Peaceful Settlement" in International Organization Vol.50, No.4, Autumn 1996 p. 658
[112] Fisher, R. "Third Party Consultation : A Method for Study and Resolution of Conflict " in Journal of Conflict Resolution Vol. XVI, March 1972, p.67

was compelled to take the decision of involving herself in searching peace in Burundi: hence, the independent variable of the study. Besides, the study underscores that moral and humanitarian reasons and good neighborliness also contributed to Tanzania's involvement in the Burundi Peace Process. The two, affirm Tanzania's commitment to peace and respect of human life and its moral obligations to the society. The study shall also demonstrate that the thrust of Tanzania's involvement in Burundi Peace Process is in line with the country's foreign policy goals and objectives as well as domestic development policies and plans. It will indeed show that these goals and objectives concur with Tanzania's regional economic, security and development cooperation ambitions.

The diagram shows also that Tanzania was not alone in the peace process. Other actors were involved amongst them were those directly affected by the conflict and others' involvement was necessitated by their moral obligation.



EVIDENCE COLLECTION AND METHODOLOGY

The approach of this study is that of documentary research supplemented by interviews with some stakeholders in the Burundi Peace Process. The choice of the research method lies on the advantages it had in conducting research of this kind over the one which solely involves statistical data. Documentary research which encompasses review of documents and interviews helps to explain not only the processes and behaviors of the players but also their attitudes and motivations. The study uses both primary and secondary data. The focused interviews are conducted to gather primary data from some stakeholders in the Burundi peace process. This is to supplement documentary evidence, and to counterbalance and verify secondary data. The interviewees shall be asked open-ended questions. Published books and documents on conflict in Africa generally and Burundi in particular are reviewed. Key reports on Burundi crisis are also reviewed. These include among others, reports of the United Nations Security Council Missions on Burundi and the Great Lakes Region, and UN Secretary General's Progress reports on Burundi. Others are African Union (former OAU) reports on Burundi and communiqués of heads of State and Governments of the Great Lakes Region on the country in particular and the region in general. Burundi's and Tanzania's policy documents including foreign policy documents will also be reviewed to give insight on the relations between the countries. Different libraries are consulted to gather secondary data. These included those of the Universities of Wits (main library, Cullen Africa, and Jan Smut House library), Centre for Foreign Relations of Dar es salaam, Mwalimu Nyerere Foundation's library, Tanzania's State House library and Ministry of Foreign Affairs and International Cooperation documentary room. Different websites which have information on the subject will be visited. These include websites of research institutions and online journals of conflict resolution and management. Below follows the structure of the study.

STUDY OUTLINE

This study is divided into five chapters. The first chapter introduces the research work, identifies research questions, aims and the rationale of the study. It also reviews the literature by providing a general survey of internal conflicts in Africa, their root causes and conflict resolution efforts in Africa. In addition the chapter presents an overview of Burundi conflict. The second chapter deals with the Burundi Peace Process: factors that led to the initiation of the Burundi peace process, main phases in Burundi peace process, main issues in the peace process and the signing of Arusha Peace Agreement. Chapter three concentrates on Tanzania's role in Burundi Peace Process: Tanzania's perception of Burundi conflict, the role(s), motives, and factors influencing playing such roles. It will also identify Tanzania's contribution to the process and its experience or lessons learnt from its participation. The fourth chapter centers on the roles of other players in Burundi Peace Process. These include *inter alia* United Nations, African Union (former OAU), European Union, United States and Great Lakes Region Initiative. The last chapter summarises the main findings and conclusions.

CHAPTER TWO

THE BURUNDI PEACE PROCESS

2.0 Introduction

This chapter analyses the Burundi Peace Process from 1993 to 2006. However, for logical reasons, a brief review of the period between 1987 (after the fall of Bagaza regime) and before the 1993 elections is made. The year 1993 has been selected as the starting point because it marked the beginning of a period characterised by a deepening political crisis in the country. The attempted overthrow of the elected government and the subsequent assassination of its President Melchior Ndadaye worsened the country's political crisis. This contributed to giving the crisis an international character. The year 2006 was chosen as the end period for this study because the signing of a ceasefire agreement between the government of Burundi and the last rebel group-FNL in September that year marked a new chapter in the country's political history.- the 'end of hostilities' which paved the way for an-all-inclusive peace building effort in that country.

The completion of the period of the transitional government, the successful holding of the general elections and the overall implementation of the Arusha accord all signify the achievement of the peace accord's main objectives. But both the start and the end of the study were neither the beginning nor the end of the search on peace in Burundi as peace is seen, according to Malan and Porto, "not merely as a stage in time nor a condition. It is a dynamic social construct".[113] In view of this and given the nature of the country's turbulent history, it requires a process of building, involving investment and of course, continuous maintenance.[114]

The chapter begins with an overview of the highlights of the factors that contributed to the political crisis that stirred up international interest and attention and led to the various external initiatives to resolve the crisis. The Regional Peace Initiative on Burundi was the most proactive activity of the phase of the Burundi Peace Process under review because it was the one which conducted peace negotiations and succeeded to lead the parties to a peace agreement. The chapter outlines the genesis, origin and nature of the Burundi Peace Process; the main focus being on the facilitation (and/or mediation) and summitry[115] process. It further highlights its major phases and stages, the issues, problems, experiences, lessons and outcomes of the peace process. The chapter then focuses on the agreement as the basic foundation and framework for peace building and its implementation.

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[113] Malan, M and Porto, J.: Challenges of Peace Implementation : The United Nations Mission in The Democratic Republic of Congo, Institute for Security Studies, Pretoria. 2004, p.1

[114] Ibid

[115] The use of meetings of heads of state and government to solve conflict/ problem

2.1 Highlight of the Factors which led to the Burundi Peace Process

Although Burundi had been experiencing sporadic ethnic turmoil since her independence, it was only after the 1993 overthrow of President Melchior Ndadaye and his assassination that the world became strongly committed to assist the Burundians solve their decades-long internal conflict. This does not suggest that in previous crisis such as that of 1972 the world stood aside but what is emphasised here is the fact that the 1993 event not only received a unique attention, but the urge and determination by external actors to find a lasting solution of the problem. According to Lemarchand "no other strife-torn country in the continent [Africa] has received more sustained remedial attention from many international actors as Burundi since 1994".[116] The crisis attracted both state and non state actors encompassing cohorts of special envoys, no less than seventeen international NGOs as well as countless formal diplomatic initiatives.[117]

Lemarchand further notes that Burundi; "has the highest rate of heads of state and government to be sent to their graves by an assassin's bullet."[118] But why such attention now when coup d'etats and assassinations have been part of political history and life of Burundi? Various reasons can be advanced to explain this. First, the fact that President Ndadaye and his government were elected into office by universal suffrage. They were given the mandate by the people and that signaled the end of military dictatorship which had dominated the country. So the military seizure of power and subsequent killing of the president was seen both internally and externally as a halt to a young democracy and yet another obstacle to the conflict resolution in Burundi. This brought up fear from both Burundians and non Burundians of possible recurrence of previous mass killings.

Secondly, the global acceptance of both economic and political pluralism had rendered coup d' etats an unacceptable means of regime change. In this regard, the international community not only condemned both the coup and the assassination of President Ndadaye but pressed for normalisation of the political and security situation.

Thirdly, is the plane crash which killed both Presidents of Rwanda Juvenal Habyarimana and that of Burundi Cyprien Ntaryamira-the successor to Ndadaye on 4th April 1994. The two were coming from peace talks on the Rwanda conflict held in Tanzania. This tragic incident had quadruple effects to Burundi. First, the death of President Habyarimana triggered genocidal killings of the Tutsi by the Hutus in Rwanda. This created a mass flow of Tutsi and some moderate Hutus from Rwanda to the neighboring states. Second, with ethnic similarities, the killings made the Burundi situation more volatile and complicated. Third, the volatile situation led to the emergence and

[116] Lamarchand, R ."Burundi at Crossroad" in Khadiagala,G. (ed.): Security Dynamics in Africa's Great Lakes Region, IPA Lynne Rienner Publishers,Inc. Boulder, Colorado. 2006, p.41
[117] Ibid.
[118] Ibid.

strengthening of extremism among both major ethnic groups-Tutsi and Hutu. And fourth the death of President Ntaryamira created yet another leadership vacuum in Burundi, thus complicating both the political and security situation, as the ethnic struggle for power intensified.

It was against this backdrop that there developed a new perception of the crisis in Burundi. It was strongly viewed that given the conflict situation in the region namely Rwanda, Burundi and Zaire, there was a possibility of developing a regional war.[119] This perception was supported by the fact that the Intarahamwe- Hutu militias who fled to Zaire were waging war against a new Kigali government led by RPF.

This fear of the regional war was strengthened by the rumor of conspiracy to resurrect a Hima-Tutsi Empire incorporating Burundi, Rwanda and Uganda. This prompted former Tanzanian President, Mwalimu Nyerere, to send an envoy to the Ugandan President, Yoweri Kaguta Museveni, to enquire about this. The existence of the rumor and the fears it generated were confirmed by Museveni in one of his speeches. He stated then:

Some years ago when Mwalimu was alive, he sent a message to me through an envoy. The message expressed a worry that a campaign was being waged in the Great Lakes Region to the effect that there was a conspiracy to erect or resurrect a Hima-Tutsi empire in this region. The campaign was that the authors of this scheme were some of the communities in Uganda, Rwanda and Burundi. This is in fact a lie about the Hima Tutsi Empire builders.[120]

In short, the aforementioned Burundi's internal situation as well as the overall regional security environment attracted the attention of many actors. As a result, a series of efforts from within and outside the region gathered momentum to solve the crisis. Below is an examination of the Burundi Peace Process.

2.2 The Burundi Peace Process

In studying the Burundi Peace Process, the research has identified five phases. The first phase covers the period from 1987 through October 1993. The reason of starting with this phase is the need to have logical presentation of this section. In 1987 Major Buyoya toppled President Jean-Baptist Bagaza. After nearly a year and a half, Major Buyoya instituted political reforms which gave the way to multiparty elections and subsequent election of President Melchior Ndadaye. It is logical therefore to start there and end the phase by the assassination of President Ndadaye.

[119] This perception was derived from the fact that there were connections between various groups and countries fighting within the region.

[120] Keynote Address by H E Yoweri Kaguta Museveni at the Symposium on Great Lakes Region on Reinforcing the Region's Solidarity and Setting an Agenda for a Culture of Peace, Unity and People-centered Development Organized by The Government of Uganda and The Mwalimu Nyerere Foundation-MNF Kampala Uganda, 8th -10th April 2002

The second phase begins immediately after the attempted overthrow of constitutionally elected government of President Ndadaye and his assassination. This phase which started from October 21st, 1993 to early 1996 was characterised by ad-hoc attempts to resolve the crisis. The third phase is that from mid 1996 to June 1998. This period was very critical as was characterised by consolidated and extensive diplomatic and ground work consultations which culminated in to the setting up of peace negotiations.

The fourth phase runs from June 1998 to August 2000. This is the phase of peace negotiations which resulted into the signing of The Arusha Peace and Reconciliation Agreement for Burundi. The fifth phase is the post Arusha Reconciliation and Peace Agreement which covers the period from August 2000 up to the signing of the ceasefire and end of hostilities between the government and the last rebel group Aghaton Rwasa led Party for the Liberation of the Hutu People (PALIPEHUTU- FNL) in September 2006.

In this chapter only the first, fourth and fifth phases are discussed. Phases two and three are discussed in chapter four under the Regional Initiative on Burundi. This is to avoid repetition and allow for a more critical analysis of the Regional Initiative and the role of other players within the regional setting.

2.2.1 Phase One

In September 1987, at the height of internal political tension, Burundi saw yet another coup d'etat. Major Pierre Buyoya toppled President Jean-Baptist Bagaza. Gross human rights abuses, systematic exclusion and brutal repression of the Hutus, negative campaign against the church characterised the last two years of Bagaza's regime.[121] This had led to threats by Burundi's major donors France and Belgium to suspend development support.[122] Furthermore, the army was dissatisfied by Bagaza's decision to force them into early retirement as a means of cutting costs.

Buyoya first consolidated his power by dissolving the opposition parties, suspending the 1981 constitution, and chairing the 31 member Military Committee for National Salvation (CSMN).[123] But in August 1988, Burundi witnessed yet another ethnic violence which inflicted huge human loss to both the Hutus and the Tutsi. It was estimated that thousands of people were killed and hundred thousands others left the country to seek refuge in the neighboring countries.[124] This event marked the beginning of political change in Burundi. The West increased their pressure for political reforms

[121] Bentley and Southall Op. Cit p.44
[122] Ibid.
[123] "Background Note: Burundi" US Department of State, Bureau of African Affairs web source. http://www.state.gov/r/pa/ei/bgn/2821 accessed on 25th January 2007
[124] Ibid.

and ultimately Buyoya succumbed to it and initiated reforms which the West believed would end ethnic turmoil.

On September 30 1988, Buyoya appointed a 24-member Consultative Commission on National Unity; and in October, the same year, he appointed a unity government with twelve Hutu and twelve Tutsi headed by a Hutu Prime Minister, Adrien Sibomana.[125] The Commission presented two reports namely Report on the National Consensus on the Study of the Question of National Unity of 1989 and the Report on Democratization of Institutions and Political Life of 1991.

The outcome of the two reports was the birth of The Charter of National Unity which recommended a new constitution. The new constitution called for the introduction of a multi party political system with equal participation of the two main ethnic groups. A referendum endorsed the constitution and the multi party political system.[126] With the new constitution in place, Burundians elected the new president on June 1, 1993 and a new parliament twenty nine days later.

In both elections, the Hutu party FRODEBU won, with its presidential candidate emerging winner over Tutsi-supported incumbent president Buyoya by 65 percent.[127] In the parliamentary elections it scooped 65 seats out 85. Following these results, President Ndadaye was sworn-in on July 10, 1993 ushering in a new era in Burundi politics. He however lasted for hundred and two days before he met his death at the hands of the military on 21 October, 1993.

These political reforms which characterised the Burundi society up to the June 1993 elections form part of a series of events which constituted the Burundi peace process. Maundi in his submission aptly describes their significance as; first, symbolised regime change that is, it introduced a new set of political norms and values hence changed the basis of governance.[128] This allowed the country to move from military authoritarian sort of governance to democratic governance. Secondly, the law establishing political parties required them to have a national character across the ethnic divide. This consequently changed the mode of political organisation and mobilisation.[129] Despite the shortcomings, the developments which took place during this period under review underscored several initiatives and attempts to address the country's political and ethnic problems and achieving durable peace.

As it was stated in the outline of this section, phases two and three will not be dealt here as they fall under Regional Initiative on Burundi in chapter four. However some highlights are important to enable the reader to follow the discussion. Below are the highlights.

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[125] Burundi: Basic Facts, Africa Today, Know Africa, Africa Book Ltd, 1991

[126] However, according to Ndarubagiye, the constitutional referendum was passed by a simple majority and not ninety percent as official sources purported. For detail see Ndarubagiye Op. Cit p.52

[127] "Elections in Burundi" African Elections Database. Published 0n 26/6/2006. A web source http://www.africaelections.com/articles/12/1/Elections-in-Burundi accessed on 18 March 2007

[128] Maundi (2000)Op Cit p. 79

[129] Ibid.

2.2.2 Highlights of the period from the October 1993 event to The Signing of the Arusha Accord [a synopsis of phases two and three]

The assassination of President Ndadaye on the 21st October put the entire country into a dire political and security situation. As was in other previous coups, killings started immediately when the news of his assassination broke up. The Hutu reacted by killing the Tutsi and the country's Tutsi-dominated army accompanied by Tutsi extremists responded by cracking down Hutu militants as well as Hutu civilians.[130] The crackdown involved FRODEBU leaders including ministers and members of the parliament. Tension increased following this crackdown, and as a result many Hutus including some members of the disposed government fled to neighboring countries.

It the light of this, the world responded by first condemning the attempted coup and the assassination of the President and secondly urging the coup plotters to restore law and order, and prevent the country from turning into full scale ethnic war. Thereafter, followed a series of peace initiatives. Both Secretaries General of the United Nations and the then Organization of African Unity –OAU appointed special envoys namely Ahmedou Ould Abdallah and Leondre Basole respectively. The United States and The European Union too appointed their special envoys.[131]

The interveners' efforts particularly those of the UN special envoy yielded fruit by facilitating, in January 1994, the appointment of a compromise president, Cyprien Ntaryamira, a Hutu and the installation of the coalition government the following month.[132] When President Ntaryamira died in a plane crash with Rwandan President Juvenal Habyarimana later in April, Abdullah also played a key role in deciding who to succeed the late Ntaryamira.

However, while these efforts were underway, inside Burundi, the political and security situation continued to deteriorate. The UN brokered coalition government failed[133] to address key issues, among others, the power of the president and the army. At the same time there was an increase in rebels' activity inside Burundi. This worried the army too and prompted a takeover of the government on 26th July 1996 in a coup which brought back Major Buyoya into power.

The reaction was enormous the world over. At the regional level a summit was convened five days later on 31st July to discuss the event. It was attended by Ethiopia, Kenya, Rwanda, Tanzania and Zaire. After a lengthy discussion the summit deliberated to impose sanctions against the

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[130] United Nations Security Council, Report of the Security Council Mission to Burundi on 13 and 14 August 1994. Report no S/1994/1039, 9 September 1994.See also Human Right Watch , Human Rights Development in Burundi 1997.a web source http://www.hrw.org/reports/1997/WR97/AFRICA.02.htm accessed on 12 April 2006

[131] The United States appointed Mr Howard Wolpe and the EU appointed Mr Aldo Ajeolo

[132] Maundi, M. "The International Dynamics of The Burundi Peace Process" in Mpangala, G & Mwansasu, B. (eds) :Beyond Conflict in Burundi,Mwalimu Nyerere Foundation, Dar es salaam,2004. p.313

[133] Ibid. p.321

military regime.[134] This was accompanied by a set of benchmarks to make sure the regime complied with the summit's deliberations. The event took the peace process into a new turn where a series of summits were held to evaluate and monitor the development in the country and assist to resolve the conflict. It is this that is referred to as the Regional Peace Initiative on Burundi.

2.2.3 Phase Four

2.2.3.1 The Arusha Peace Negotiations

The Regional Initiative was specific in many ways. First, it was constituted by Burundi neighbors that now come to bear the name of the Great Lakes Region. Secondly, it represented the real spirit of African togetherness and sense of belonging in a true spirit of Pan Africanism. Thirdly, it was a demonstration of the political will among African leaders first to accept and second to be accountable and committed to solve African problems in a more African way. This initiative was, thus, part of an African renaissance, so to speak.

The primary objective of the Regional Initiative was first "to avert an impending human disaster and save Burundi from total disintegration"[135] and secondly "sparing the people from the agony and suffering that had befallen their neighbors in Rwanda".[136]

Regional efforts were supported by other players such as the Carter Centre which took the conflict in Burundi in a wider perspective and organised two key summits in Tunis and Cairo to discuss and strategise on how to solve the conflict. The two summits shaped the conceptualisation of the Burundi conflict into a regional perspective and formed the background for the Regional Initiative on Burundi. The decisions made by these two summits were supported and approved by the OAU summit of March 1996 including Mwalimu Nyerere's appointment as mediator to the conflict.

It took Mwalimu two years to convene the meeting of all, or almost all parties in the Burundi conflict in Arusha. It was at this meeting that started in June 1998 that the Arusha Peace Negotiations began.

The Burundi Peace Negotiations unfolded through the engagement of two facilitators overtime namely Mwalimu Nyerere (1998-1999) and former South African President Nelson Mandela who undertook their facilitation work in purely different environments. The two used different, albeit complementary, approaches in their mediation efforts. Below the study examines those two approaches.

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[134] "Burundi Under Siege, Lift the Sanctions; Re-launch the Peace Process" International Crisis Group Report, Africa Report No.1, 28th April 1998. web source: http://crisisgroup.org/home/index.cfm accessed on 27th April 2006
[135] Butiku Op. Cit p.65
[136] Ibid.

2.2.3.2 Peace Negotiations under Mwalimu Julius Nyerere

Three basic issues confronted Nyerere on his appointment as facilitator. The first was acquiring a firm grasp, clear knowledge and understanding the essence, magnitude and nature of the conflict in Burundi perceptually as well as from the perspective, position and standpoint of the relevant members of the Burundian political community. Specifically, this involved, on the one hand, the attribution and perception of the basic causes, fundamental contributory factors and the most critical variables to the schism which had pitted the actors and players into adversarial and antagonistic positions, and on the other hand, plotting the way forward.

The second was that of a correct identity of the protagonists, not as a generality but as the people, individually and collectively, and understanding their concerns and fears,[137] their personal aspirations and interests, their perception of the origin and nature of the conflict and how it could be solved.

The third was specifics on the possible way forward to resolving the conflict peacefully through the process of dialogue, consultations and negotiations in which stakeholders across the broad spectrum of the ethnic, ideological and political perspectives could become fully engaged as the active participants.

In order to get first hand information of the three basic issues, Nyerere consulted different actors both within and outside Burundi. He had to travel to Burundi, between December 1995 and early 1996, several times.[138] In Burundi Mwalimu met and exchanged views with many actors, players and stakeholders, Burundians and non Burundians as was practically possible. He even traveled to the West to hear their views[139] and as part of public relations exercise in a bid to create a better working environment.

From his fieldwork, Mwalimu reached three conclusions[140] which later proved to be more useful in guiding his work. The first was that the source of the conflict was the exclusionary politics in which majority Hutus were being excluded from the mainstream of the country's political, social, economic and cultural life by the minority Tutsi. Secondly and a corollary to the first was the recognition of the Tutsis concerns and a fear of permanent domination by the Hutus, and possibly

[137] Mwalimu equated the fear of the Tutsis (being in power) to person riding on the back of a tiger who needs almost a watertight assurance before s/he could get off because s/he feels that if got off it would eat him/her. For detail read Mwalimu's interview with Elizabeth Farnsworth available on Online News Hour December 27, 1996. A web source wysiwys:www.pbs.org/ne…Rica/december96/Nyerere_12-27html accessed on 28 March 2006

[138] Buting,I, Mwansasu,B & Bgoya, W. "Overview of the Burundi Peace Process" A web source: http://www.nyererefoundation.or.tz/research/centre.htm. Accessed on 3rd January 2007

[139] Ibid

[140] For Details see Mwalimu Nyerere Foundation, Meeting of the Board of Trustee of MNF 11-12 November 1996. Ref. No. Doc/BTMNF/1/96/06

extermination due to the latter's numerical strength. Hence, this needed to be considered and addressed accordingly.

Thirdly, and based on the two, Mwalimu observed that the conflict was purely political and hence needed a political solution.[141] In this regard, he considered the 1992 Constitution of Burundi as the logical starting point for such a solution.[142] But in order to achieve the said political solution, there was a need to create a conducive and supportive environment during peace negotiations.

It is important to note here, the manner in which Mwalimu Nyerere understood and interpreted his role. He expressed his preference to work as the Freelance Facilitator. The role of Freelance Facilitator was perceived and understood as a totality of the individual person that was synonymous to the name of the person so formally designated. In the specific case of the process under review, the Freelance Facilitator was Mwalimu Nyerere.

This further included the functions and responsibilities undertaken or carried out on behalf of the facilitator as well as the underlying ethos, normative values and standards expected of that role. It was this wider perception that enabled the Facilitator first to delegate the day to day activities and the other business of a routine nature, the technical issues and minute details to assistants leaving him to concentrate on the strategic issues and the big picture. Secondly, it helped to widen up the process of facilitation that led to the involvement of many participants as advisors, assistants and resource persons at the service of the Facilitator: thus making the process more participatory, open and transparent.

The structures, machinery and systems of facilitation that were instituted contributed greatly to expedite the process and to improve the quality of the outcomes. Nyerere delegated the administrative, financial, legal and other issues of technical nature to specialised institutions and relevant experts. The first institution to play this role was The Tanzania Ministry of Foreign Affairs and International Cooperation. This was replaced by the Mwalimu Nyerere Foundation-MNF.

Mwalimu further meant working outside the ambit of the formal machinery of the states. This helped to insulate the process from the influences and other pressures brought to bear to promote or defend the interests of the individual states or organisations. It also helped to reduce red tape and bureaucracy and to maximise flexibility, autonomy and freedom of action. In spite of this he remained under the Regional Heads of state and was expected to report regularly to the Summit and, was ultimately accountable to the people of Burundi.

His acceptance of the facilitation role was made with the full awareness of its inherent weakness. The facilitator did not have at his disposal neither the carrot, in terms of the glittery incentives to dangle before the parties as the reward for compliance, nor the stick, in terms of the sword of

[141] Butiku Op. Cit. p 70
[142] Butiku Op.Cit pp.64-65

Damocles to brandish as a threat. His major resource, as Butiku, noted was his personality, morality, integrity, personal standing and credibility for impartiality, wisdom, honesty, truthfulness, fair play and a sense of justice.[143] Lack of independent source of funds and the subsequent overdependence on benefactors, particularly the international donor community, as will be seen in chapter four, made his position particularly precarious.

There were, from the outset, a number of major decisions to be made. These included key issues such as the participants, the agenda, the venue, modus operandi of the negotiations etc. Below we briefly look at these aspects. The first practical problem which faced the facilitator was to make the decision on who was to participate in the peace negotiations.[144]

In the first two preliminary talks held in Mwanza, only two participants were involved. These were the then ruling party, UPRONA, and the main opposition party, FRODEBU. The decision to involve the two was based on their constitutionality as they were the main competitors during the 1993 elections. This confirmed the inherent traditional thinking of recognising political parties as the potential bona fide eligible actors and players. This however, as we will see later, changed after extensive consultations within the Regional Initiative, the facilitator, the international community and the special envoys to include many other groups that come to constitute the 'all party talks' that started in June 1998.

2.2.3.2.1 The Agenda

As it will be revealed in the next discussion, what deadlocked the Mwanza I and II talks was disagreement on the agenda. The participants failed to reach a consensus on the signing of the Joint Statement which was envisaged to be the agenda after the consultations. As it will be discussed later this was due to the different perceptions the participants had on the conflict itself and the actors involved. However this jigsaw was resolved during the all party talks when participants agreed on what would be the agenda in the famous 21st June 1998 Declaration.

2.2.3.2.2. The Venue

The decision where the talks had to take place had its own significance and therefore it was difficult to make. The neutrality of the place, availability of adequate facilities and the security of individuals were critical issues to be decided upon. The first place to be considered was Burundi, but some stakeholders would not feel safe in Burundi and the Burundi government wanted the negotiations not to take place in the neighboring countries. [145] This, however, would increase the cost. Finally, Arusha in the northern Tanzania was selected as the venue for the negotiations notwithstanding reservations by the Burundi government.

[143] Butiku Op.Cit p. 69
[144] Butiku Ibid. p.77
[145] Butiku Op. Cit pp.79-80

Mwalimu Nyerere's facilitation period can be divided into three; namely the Burundi party talks that included Mwanza I and Mwanza II (1995-1996), The Interlude and the All Party Talks.

2.2.3.3 The Burundi Party Talks

It has already been noted above that the first Burundi Peace negotiations took place between FRODEBU and UPRONA that were identified as the bona fide political parties that had participated in the 1993 general elections and the only ones that won seats in the National Assembly. They were invited to the first ever Burundi Party Talks in Mwanza on the shores of Lake Victoria. The Government of Burundi was invited as an observer. An overview of the discussion of this meeting which was dubbed Mwanza I follows below.

2.2.3.3.1 Mwanza I

This was a one week session that took place from April 22 to 26, 1996. The meeting was expected to lay the ground work and chart out the way forward. One of the major issues addressed was that of the agenda and, to that effect, the Facilitator requested the respective delegations, individually or together, to submit the items that were to be included as the substance of the proposed agenda.

Three ideas were expected to form the core of the agenda, namely, an unequivocal avowal that there could be no solution to the conflict in Burundi through the use of arms and other forms of violence, because the nature of the conflict is political.[146] Second, was the condemnation of violence, political killings and assassinations as a means of achieving or returning to political power or settling differences with political opponents. Third was the reiteration of the parties' commitment and adherence to the use of political and constitutional means to achieve political objectives.[147]

The Facilitator then suggested that these ideas be formulated in a form of a Joint Statement that would be signed by the parties as the basis of the agenda of the proposed consultations and negotiations. Indeed, he proposed the formulation of a draft Joint Statement which was presented to the parties for study, scrutiny, comments and amendments as the basis for the final round of talks for a formal adoption. However, that was not to be the case because, whereas FRODEBU appeared prepared, willing and ready to adopt the proposed formulation as a working document that was the basis for final consultations, negotiations and final decision, UPRONA appeared to have different ideas.[148]

[146] Hyera , A. "Background of the Arusha Peace Negotiations" in Mpangala & Mwansasu. (eds), Op. Cit pp 56-58
[147] Ibid.
[148] Ibid.

For UPRONA, preference to 'political and constitutions means to achieve political objectives' was interpreted and understood to involve, among other things, the working out of a new constitution through a process of a national debate similar to the one in 1989 noted to have led to the Charter and the 1992 Constitution which the Facilitator had suggested must be the basis. Furthermore, condemnation 'of violence, political killings and assassinations' meant blacklisting of specified 'rebel' groups, organisations and entities, Burundians and non Burundians, alleged to abet, encourage, sponsor or support acts of violence and killings for condemnation by name.[149] Underlying UPRONA's ideas was a perception that the role of external assistance was to assist the Burundi Government dismantling the 'rebel' groups fighting against it.

Neither FRODEBU nor the facilitator was prepared to accept UPRONA's ideas and perceptions. They refused to go along with the proposal on the content and tenor of the joint statement. This resulted in a stalemate and no joint statement was issued at the end of Mwanza I.

2.2.3.3.2 Mwanza II

The second round of talks also took place in Mwanza from June 3 to 9, 1996 and hence the title Mwanza II. Unfortunately, the deadlock on the content and tenor that had precipitated the earlier stalemate was not resolved and no Joint Statement was signed. This brought to an end Nyerere's initial initiatives as it resulted into a two year lull period with no visible activities. It is important to look at what happened during this interlude.

2.2.3.4 The Interlude

Following the Mwanza II stalemate, the facilitator briefed the Presidents of Kenya and Uganda and after further consultations, a Regional meeting called Summit I, was convened on June 25, 1996 in Arusha, Tanzania. The summit suggested the convening of another round of the Burundi talks. This however was overshadowed by subsequent events. By the time of the summit, there was already growing insecurity in Burundi that had prompted the Burundi government to request for an external military presence as a stabilising force.

However, the proposal for external forces was opposed by the extremists and hardliners along with the Tutsi dominated army on the ground that such a course of action would be an act of invasion by foreign troops.[150] This prompted the second coup d'etat by Major Pierre Buyoya on July 25, 1996.

A regional Summit (summit II) was quickly convened on July 31, 1996 in Arusha to address the new situation. This resulted in the imposition of sanctions on the military regime. The issue of

[149] Ibid.

[150] The Tutsis, including the army, rejected any sort of foreign military intervention. The argument used was it would be an interference of internal affairs of Burundi. Given the fact that the army was against this, it was very difficult to continue with the proposal. In addition, before even the decision was made, the army took over power again.

sanctions was to top the agenda of both Summit III and Summit IV held in Arusha on October 12, 1996 and April 1997 respectively.

The April Summit encouraged the facilitator to convene a new round of the Burundi Party Talks which would involve additional actors and players to the original two, namely FRODEBU and UPRONA. The meeting was scheduled for August 25, 1997 in Arusha. Unfortunately, the meeting could not take place because of the non attendance of some key actors and players, in particular, the Burundi Government and UPRONA.

The Burundi government dissuaded mostly Tutsi groups from attending. However the reason given to the public for the non attendance were the concerns and fears about the safety and security of the participants if Tanzania was the venue and the lack of confidence, faith and trust in the facilitator's capacity for fairness, impartiality and objectivity because of the alleged bias. This will be discussed in detail in chapter three.

The non attendance was a major setback and a personal embarrassment to the facilitator. The meeting, however, had attracted new actors and players namely CNDD, Party for Reconciliation of the People (PRP), Party for National Recovery (PARENA), Liberal Party (PL), Front for National Liberation (FLORINA), PALIPEHUTU and Rally for People of Burundi (RPB).[151] It is worth noting, in parenthesis, that CNDD, FLORINA and PALIPEHUTU had earlier been included in the list of 'rebels' while UPRONA had recommended for direct condemnation by name during Mwanza I.

The failure of the Burundi all party talks to take place resulted in Summit V on September 3 and 4, 1997 in Dar es Salaam. During the Summit, the Government of Tanzania proposed a change of venue if Arusha was proving to be an obstacle and the facilitator offered to step down, for a more suitable person.[152] The Summit prevailed over the Government and the facilitator by the insistence that Arusha remain the venue and Mwalimu Nyerere continued as facilitator of the Burundi Party Talks.

In addition, the Summit reiterated its preparedness to adopt further measures to deal with any 'obstructions' to the peace process and its stand to maintain existing sanctions. The Summit, furthermore, urged the process to work out the transitional mechanisms towards the aspired new dispensation and called upon the government of Burundi to foster a congenial environment for dialogue and negotiations.

A period of almost nine months followed without demonstrable or visible activities. But underlying the apparent lull was an undercurrent of behind the scenes diplomatic efforts and

[151] Butiku Op. Cit 65-70
[152] Burundi: Regional Summit,9/19/97,University of Pennsylvania –African Study Centre. A web source: http://www.africa.upenn.edu./Urgent-Action/apic_91997.html accessed on 23 November 2006

political pressure on the Burundian actors and players to give the political solution another chance. The major breakthrough came with the announcement of a new round of the Burundi All Party Talks involving almost all the Parties to the Conflict on June 15 to 21, 1998 in Arusha. This was the beginning of the Burundi Peace Negotiations.

2.2.3.5 The Arusha Burundi All Party Talks June 15 to 21, 1998

During the one week sessions, the delegations were requested by the facilitator to deliberate, dialogue, consult and negotiate with the objective of arriving at a consensus on the guiding principles. These were, as stated earlier, first, the recognition and acceptance of the fact that the problem underlying the Burundi conflict and subsequent political crisis was basically and primarily a political one that needed a political and not a military or technocratic solution. Secondly, was the eschewing of violence, political killings and assassinations as methods of achieving political objectives and the accompanying commitment to use constitutional and political means.

On the basis of that consensus, the parties were to agree on the nature and scope of the issues that were to constitute the substantive items of the agenda for the negotiations as well as on the modalities for the negotiations. For the facilitator, the consensus on those issues was fundamental as the logical starting point of fruitful negotiations to commence and, ultimately, deliver.

At this meeting, the role of the facilitator was typically that of good offices provider to the parties and included the facilitation of space for them to meet, whether in plenary, consultations among and between themselves or with the facilitator in groups or on one to one basis and other necessary facilities. Individually or in groups, the parties carried out consultations and negotiations on the position to adopt, the most acceptable manner of the formulation of that position utilising the services offered by the facilitator.

At the end of the one week session, the parties issued a statement; *the Declaration by the Participants to the Burundi Peace Negotiations Involving All the Parties to the Burundi Conflict*, hereafter referred to as The Declaration of June 21, 1998.[153] The Declaration included various commitments, among which were;

- The pledge to engage in serious negotiations until a just and lasting solution on the crisis is reached
- The pledge to resolve the Burundi conflict through peaceful means and put an end to all forms of violence;
- The suspension of hostilities that was to take effect not later than the 20th of July 1998

[153]Butiku Op.Cit p 90

- The commitment "to return to Arusha on 20th July 1998 to commence the Second Session of the negotiations.

The meeting further agreed on the issues that were to be the essence and substance of the negotiations. These were:

1. Nature of the Conflict in Burundi and Problems of Genocide and Exclusion and their solutions;
2. Democracy and Good Governance; Constitutional Arrangements; Questions of Justice and the Fight
   against Impunity; Judiciary, Systems of Administration and transitional institutions;
3. Peace and Security for all; issues of Public security and Defense; Cessation of Hostilities; Permanent Ceasefire Arrangements;
4. Rehabilitation and Settlement of Refugees and Displaced Persons; Economic and Social Reconstruction and Development.
5. Guarantees on Implementation of the Agreement emanating from the Burundi Peace Negotiations.

Lastly the meeting agreed on the modalities of the negotiations in which committees would be the main forum. To that effect, they agreed to establish five committees to assume the primary responsibilities for handling the issues under each separate agenda item. Each committee was required to negotiate, prepare recommendations, including draft protocols that were to be submitted to the plenary for adoption as the final decision.

The significance of the June Declaration lies in the fact that it expressed a consensus across the broad spectrum of the ethnic, ideological and political divide of the Burundian community. It should be noted however that SOJEDEM refused to append its signature to the declaration. The government of Burundi, UPRONA, Alliance of the Valliant (AV INTWARI), The Shield (INKINZO), Independent Workers Party (PIT), PRP and Party for Social Democracy (PSD) entered reservations on the commitments to suspend hostilities and to return to Arusha to commence the second session. National Alliance for Law and Economic Development (ANNADE), which had not participated in the process of the negotiations, requested to come on board and be admitted.[154]

Notwithstanding the reservations by some of the parties on the commitment to return to Arusha for the second Session on July 20, 1998 all the signatories attended. The major business was that of dialogue, consultations and negotiations and arriving at a consensus on issues of a practical and operational nature. For example, the acceptability of an appropriate code of behavior and the

v[154] Ibid

conduct between the parties, the eligibility for admission to the negotiations and the criteria used; the manner of arriving at decisions, the levels of the negotiations, and the leadership of the process. The outcome of this session was the Rules of Procedure for the Burundi Peace Negotiations involving All the Parties to the Burundi Conflict, hereafter referred as 'The Rules.'[155]

The Rules defined the participants, set levels and leadership of negotiations, codes of conduct as well as put in place modus operandi for the consultations and negotiations.[156] This completed the process of addressing these cardinal issues which, as noted earlier, could only be effectively resolved by the parties themselves.

The machinery for the negotiations

As mentioned above, the Declaration and Rules made it possible for the facilitator to put in place the machinery for the negotiations by establishing committees and the leadership of each committee. In his designation of the leadership of the committee, the facilitator appears to have made a deliberate decision not to recommend resource persons from the region. He requested the assistance of governments and institutions, national and international, to propose the names of people with proven experience, knowledge and competence. Their names were submitted to the Plenary Session for consideration and approval.

Four chairpersons and four vice chairpersons, male and female, of different nationalities and races, from Africa, west and south, as well as outside were designated and approved to constitute the core of the Facilitator's Team that was truly international in character[157] Apart from the chairpersons and vice chairpersons, there were additional resource persons designated by the facilitator that included people from the region including Tanzania which constituted the facilitator's Team headed by the facilitator's representative.

The process of the negotiations

As noted above the negotiations were carried out at three levels, the plenary, the committees and the consultations, at the most general and formal.[158] There were also informal consultations outside and concurrent with the formal processes of the plenary, committees and consultations. The actual process was that commencing of the detailed negotiations on each agenda: there was a general debate in the plenary with all the parties in attendance.

[155] Butiku Op. Cit p. 93
[156] For details of those rules see Butiku, Op.Cit. pp. 93-94
[157] For the composition of different nationalities in the committees leadership see Butiku Op Cit. p. 97
[158] Interview with Dr Bismarck Mwansasu, Dar es salaam, 20 July 2006

During the debate, each delegation was given the opportunity to address the plenary to explain and put its perception, position and standpoint on the issues. For example, on the nature of a particular problem, the causes, attribution of primary responsibilities and the way forward. This was done frankly, freely, and transparently without inhibitions and fear of retribution.

It is within the committees that the actual negotiations on the detailed specifics were carried out with compromises hammered out either during the formal committee sessions or consultations, formal and informal, during or outside the formal sessions. There were five committees as noted above.

Each committee adopted its own methodology, pragmatic rules and style considered most appropriate to deliver. The complexity, involved and intricate nature of the issues had an additional decisive influence on the speed and progress of the work of each committee. However, although desirable, it is neither possible nor practical either to attempt an outline on the work of each committee or comment on the progress, particularly the difference in the speed of the progress.

It can only be pointed out here that the committees commenced in October 1998 with Committee I after general debate on the first agenda item during the second session in July 1998 and completing the composition of its leadership and membership. Committee II and Committee III followed and Committee IV started in January 1999. There were four successive committee sessions in January, March, May and July 1999 during which all the committees were reported to have made good progress.

A number of issues emerged and bogged down the work of the committees. The first and most contentious was the transitional arrangements and, in particular the leadership during the transition, that would start from the day of the signing of the Agreement to the installation of a new government after the elections. The second was the cessation of hostilities and arrangements for a permanent ceasefire agreement.

Underlying the second issue was the basic question of who should participate in the negotiations. There was a perception among the circles of the delegation of the Government that the most relevant parties were not the representatives of the sitting delegations of CNDD, PALIPEHUTU and even FLORINA for that matter, but of the ‘rebels’ whose forces they engaged in combat in the field. The demands to have the delegations of CNDD and PALIPEHUTU currently attending the negotiations unseated by the CNDD, FDD and PALIPEHUTU FNL delegations, on the claim that they were the bona fide spokesperson of the issues on the further complicated the problem.

The impasse on these issues appeared to have convinced the facilitator that the two issues could not be handled effectively by the parties. In his closing address to the July 1999 session, he indicated his intention to take the issues at a higher level of the Summit.[159]

The Informal Consultations

The third level of negotiations was through consultations, some of which were informal. Negotiations at the informal level started during the May 1999 Committee meetings when the delegations of FRODEBU, CNDD, FLORINA, PL, PP, and PALIPEHUTU held separate consultations and agreed on the need to hold further talks to work out common strategies to adopt during the negotiations. They sought the assistance of the facilitator to arrange for those consultations after the May Committee Sessions. The request was granted and they were facilitated to hold their consultations. During the following Committee Session of July 1999, the parties started referring themselves as the Group of 7 or the G7.

That had an immediate impact on the environment of the negotiations and the most significant was that of the request by the delegations of ANNADE, ABASA, AV INTWARI, INKINZO, PARENA, PIT, PSD and PRP for a similar arrangement. The request was granted making it possible for the consultations to take place whose major outcome was the formation of the Group of 8 or the G8. The remaining three parties, the Government, the National Assembly and UPRONA, followed suit by adopting the Group of 3 or the G3.

The significance of this development lay in sensitising facilitation and the facilitator about the possibility that existed for reducing the positions to three that was easier to manage the handling of eighteen different positions. The most immediate was that of identifying the key actors and players from each group to negotiate with the other key actors and players and arrive at positions that would be ‘sold’ to the remaining members of the group. FRODEBU and CNDD were identified as the key actors and players from the G7, PARENA from the G8, and the Government, the National Assembly and UPRONA from the G3.

Unfortunately, the new arrangement was not put to a practical test in the September 1999 consultations held in Dar es Salaam due to the deteriorating health of the facilitator. The subsequent lack of the physical presence of the facilitator robbed the process the drive and push that had always proved decisive in giving the negotiations the intended life and vigor. When the ‘key actors and players’ arrived in Arusha for reassembled September 1999 Committee Sessions, they did not have anything to deliver and the absence of the facilitator was very detrimental as there was nothing substantive that came out of the sessions. The death of Mwalimu Nyerere in October 1999 formally closed the first chapter in Burundi Peace Negotiations.

[159] Butiku Op.Cit.

2.2.3.6 The Peace Negotiations under Nelson Mandela

The Regional Summit of November 1999 decided on Nelson Mandela as the new facilitator to replace the late Mwalimu Nyerere. In the formal acceptance of the designation, he stated that he would continue using the machinery of the negotiations that was already in place, use the facilitator's Team but would add some to reinforce the team and continue to use Arusha as the venue.[160] He further expressed his personal disappointment at the slow pace of the negotiations indicating a commitment to expedite the negotiations in order to bring them to an earlier conclusion.

The first activity of Nelson Mandela as the facilitator was that of a formal address to the Heads of Delegations to the Burundi Peace Negotiations at a meeting held in Arusha on January 2000. He assured them that he had come with an open mind without any preconceived idea, opinion or position but only to listen to what they had to say. He reminded them of their responsibility to rise to the occasion and demonstrate that they are the true leaders the people of Burundi really needed.[161]

He further drew their attention to some of the basic issues underlying the Burundi conflict. He pointed to the gross socio-economic and political imbalances that are in favor of the Tutsi ethnic minority as the most fundamental cause. He was particular in disabusing the Tutsi from the fallacy of relying on might, the sheer power of the armed forces as the basis of their political power, strength and the bulwark of their safety, security and survival, arguing that the "the defense and security forces must represent all sections of the population-Hutu, Tutsi and Twa"[162].

After his first consultation meeting early in January, later the same month Mandela addressed the UN Security Council. Apart from reporting the progress of the peace process, he outlined some challenges ahead of his task as facilitator. These included among others bringing those outside Arusha negotiations, creating link between the Arusha peace negotiations with reality of political life in Burundi, pulling support from international community in order to sustain the negotiations and the general ongoing efforts to achieve peace in Burundi.[163]

Turning to the negotiations, he noted his concern over the non participation of CNDD-FDD and PALIPEHUTU-FNL. He announced his intention to bring them as full participants and, as a result, make the process more all inclusive. He further announced his intention to bring the International Community much closer to the peace process by inviting the Heads of State and Governments from different parts and other persons in order to share experiences and lessons with the negotiators.

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[160] Address by H.E N Mandela to the Summit on Burundi Peace Negotiations on 21st February, 2000 Arusha, Tanzania. See also speeches made in the sessions of 16th January, 2000 and 27 March 2000 all in Arusha.
[161] Ibid.
[162] Ibid.
[163] United States, News from Washington File, US Department of State Washington File 19 January 2000. A web source http://www.usia.gov/cgi_bin/washfuiles/dis....aaf&l=products/washfile/newsitem.shtm accessed on 28 March 2007

The Major Initiatives and Activities by Mandela can be divided into two main categories: namely widening the nature and composition of the participants and expediting the conclusion of the negotiations.

Widening the Nature and Composition of the Participants

There were two aspects to the widening of the nature and composition of the participants namely; internally, Mandela wanted the inclusion of the CNND-FDD and PALIPEHUTU-FNL. There was a misconceived popular belief that the former facilitator, Mwalimu Nyerere, had deliberately refused to admit these groups without justification and for reasons best known to him. There was, however, a more fundamental problem of representation. The two demanded for the unseating of the delegations of the splinter groups of CNDD and PALIPEHUTU as a precondition for joining the negotiations.[164] .

The informal consultations and discreet talks were held in with the aim of inviting the CNDD-FDD and PALIPEHUTU-FNL. In May 2000, the Facilitator arranged a meeting of Committee III be held in South Africa to which the leaders of both groups were personally invited to attend. None of the invited leaders attended and those who were sent to represent them refused to take part in the negotiations with the other members of Committee III, demanding the unseating of their respective splinter groups.

Mandela, in a similar gesture to his predecessor, did not accept the conditionality. He, nevertheless, found a way round the problem by putting in place machinery under the auspices of the Vice President of the Republic of South Africa and President Omar Bongo of Gabon that was parallel and outside the framework of the negotiating machinery[165] of the Burundi Peace Negotiations to address the issue.

At the international level, the facilitator wanted to bring on board as many actors and players from the International Community as the major stakeholders.[166] Apart from maximising cooperation and effectiveness, the involvement of such players was likely to give the Burundian participants the benefits of a wider exposure and learning from the examples and the experiences elsewhere from people with problems that were similar.

[164] At first it was seen as if Mwalimu was opposing the rebels for simple reasons. His main argument was that the rebels must reconcile using their own mechanism within their organizations. Without which he considered unethical to unseat splinter groups from the negotiations. Attempts by new mediator also failed to attract them until he decided to use alternative methods of engaging them separately.

[165] This strategy was however criticized by some quarters as it was not beneficial to the process. For further discussion on this see International Crisis Report, Burundi after six months of Transition: Continuing the War or Winning Peace? Report No 46, 24 May 2002 p.20

[166] For example in its first session he invited many heads of state and government including US President Bill Clinton who managed to participate through video conferencing.

Thus, the facilitator had used his name, standing and stature to invite many dignitaries to address the negotiators on different occasions throughout his leadership. This was a big boost to the Burundi Peace Process that pushed it further into an international limelight with a reassurance that their efforts had the backing and support of the International Community. This contributed to the faster conclusion of the negotiations.

Mandela's major task on taking over as facilitator, as mentioned earlier, was to expedite the conclusions of the negotiations which up to then were going at a snail's pace, partly up to then, the negotiators were still talking in generalities, in the abstract, and at the level of theory with greater concern on the terminology, style of formulation, rhetoric, verbiage, semantics and still showed a stubborn refusal to make compromises.

During the Plenary Session March 28, 2000, Mandela made proposals on the way forward for faster and expedited negotiations. He proposed that the parties analyse the remaining outstanding issues on which there had been no consensus, prepare their position on each issue and submit their proposals to the facilitator's Team. Second, that facilitator's Team would study and analyse all the proposals on merit and prepare compromise proposals that would be returned to the parties for further study, analysis, and comments, including some amendments.[167] Third, that the parties would return their revised proposals to the facilitator's Team for further study, analysis, and synthesis into final formulations which would constitute the basis of draft protocols of the Agreement.

On the basis of the above, the Facilitator's Team prepared an action plan, a timetable and deadlines. July 17, 2000 was set as the date for the Facilitator's Team and the parties to deliver the final compromise proposals in the form of a draft peace agreement and July 20, 2000 as the date for the formal signing of the agreement.

As noted above, there were two outstanding issues, the transitional institutions and the ceasefire and secession of hostilities. On the issue of the transitional institutions, a 36-month period of transition was proposed divided into two 18-month period each.[168] It was furthermore proposed that during the first 18 month period, the President would come from the Tutsi family of parties, the former G 8 plus RADDES, which joined the process much later, and UPRONA and the Vice President from the G7. During the second 18 month period, the President would come from the G7 and the Vice President from the other side. It was emphasised that the President and Vice Presidents of the transition would not be eligible to contest the first general elections. Each group was requested to designate its nominee.

[167] See Mandela Speech 27th March 2000 Op. Cit.
[168] International Crisis Report. "Burundi neither War nor Peace " ICG Report No.25,1 December 2000

The other proposed transitional institutions were the Implementation and Monitoring Committee and the transitional National Assembly whose composition and roles were elaborated in the specific provisions of the respective protocols of the draft agreement.

On the second issue of the cessation of hostilities, the parties were urged to negotiate, make compromises and arrive at consensus. The major proposal made by the facilitator on this issue was that of the adoption of the formula on the composition of the country's defense and security forces on the basis of a percentage of 50% Hutu and 50% Tutsi. This was carried out at two levels, the level of the Burundi Peace Negotiations in Arusha under Committee III and that of parallel talks outside the formal negotiating machinery.

When the parties reassembled for what had been scheduled as the final round on the eve of July 17, 2000 it became evident that there were still various issues outstanding. For one thing, the parties refused to honour the promises made in May to accept the compromise proposals by the Facilitator's Team by openly questioning and refusing to go along with some of the proposals.[169] There were, indeed, the suggestions to renegotiate some of the issues on which there had been a consensus.

When the facilitator arrived on July 19, 2000 for the scheduled finalisation of the process on July 20, 2000, he found out that the parties had not delivered on the promises made to complete the process by that date. Although disappointed, he had no option except to accept the reality of what had actually happened and proceeded to hold consultations on how to end the deadlock. He gave the parties more time to negotiate, iron out their differences, and make compromises for the larger interest of peace in Burundi. August 28, 2000 was announced as the date for the formal signing of the agreement. This gave the negotiators time to finalise the negotiations and the draft agreement.

2.2.3.7 The Arusha Peace and Reconciliation Agreement for Burundi.

The final Agreement was basically a summary of the outcome of the consultations and negotiations over the twenty six month period of the Burundi Peace Negotiations in Arusha and consisted of five protocols each based on the agenda items as noted above. One of the major underlying themes of the agreement was power sharing between the two ethnic groups which was reflected in the proposed electoral systems, the composition of the Legislature, both the National Assembly and Senate, the Executive, including the defense and security forces. Below is the outline of the main protocols of the agreement.

Protocol I: Nature of the Burundi Conflict, Problems of Genocide, Exclusion and Sanctions.[170]

[169] Mwansasu, B "The Signing of the Peace Agreement" in Mpangala,G and Mwasasu, D (eds), Op Cit pp 340-242.
[170] For full text visit http://www.usip.org/pa/burundi/pa_burundi_08282000_pr1.html

The protocol seeks to address the past atrocities such as genocide, war crimes and other crimes against humanity which had befallen Burundi and create a mechanism to prevent their future recurrences. In order to achieve this, the protocol calls for the creation of mechanisms to prevent and eradicate such crimes. These include the establishment of a National Commission on Truth and Reconciliation, an International Judicial Enquiry Commission and International Criminal Tribunal to judge those guilty of those crimes. The protocol further commits the Burundians to fight all forms of discrimination.

Protocol II: Democracy and Good Governance[171]

Perhaps this was the most difficult protocol to be concluded as it deals with administrative and constitutional matters which are the preconditions for the new democratic and non discriminative Burundian society. It tackles constitutional and transitional arrangements which would guide the country towards peace, stability and reconciliation. The protocol is divided into two chapters. Chapter one is about Constitutional Principles of the Post-Transitional Constitution whereas chapter two deals with Transitional Arrangements. There, however, remained gaps in the transitional arrangement that were later to bog down the implementation process.

Protocol III: Peace and Security for All[172]

The Protocol is divided into three chapters. The first chapter is concerned with peace and security for all. It underscores among others, the right of all Burundian citizens to live in peace and security without any discrimination and reiterates the duty of the state to guarantee citizens' rights by protecting them. The second chapter is on Defense and Security. It sets the principles on mission, organisation, structure, composition, size, and criteria to determine the imbalances in the field of defense and security forces. The third chapter deals with Permanent Ceasefire and Cessation of Hostilities. There were also gaps in this last chapter as no agreement had been reached at the time of signing of the agreement.

Protocol IV: Reconstruction and Development [173]

This protocol is divided into three chapters. The first deals with the issues which surround the return of the refugees and ***sinitres.***[174] It provides the principles governing their return, resettlement and reintegration. The second chapter deals with Physical and Political Reconstruction. The chapter calls upon the government to initiate programs on rehabilitation, peace building, promotion of human rights and freedoms of the human persons, economic growth and long term development.

[171]For full text visit http://www.usip.org/library/pa/burundi/pa_burundi_0828200_pr2ch2.html
[172] For full text visit http://www.usip.org/library/pa/burundi/pa_burundi_0828200_pr3ch1.html
[173] For full protocol visit http://www.usip.org/library/pa/burundi/pa_burundi_0828200_pr4ch3.html
[174] According to Article I chapter II of Protocol IV *sinistres* refer to all displaced, regrouped and dispersed persons and returnees

The last chapter is on Economic and Social Development. It underscores the need for engaging into long term economic and social development to deal with issues such as poverty and address all obstacles hindering economic development.

Protocol V Guarantee on Implementation of the Agreement[175]

The protocol serves as commitment to Parties to the Burundi Peace and Reconciliation and the guarantors to the implementation of the Agreement. This is done through the Implementation Monitoring Committee which comprised both domestic as well as external actors which include representatives of the UN, the OAU/AU and Regional Initiative on Burundi. Further commitment is to the international community to foresee the process through continuing financial and logistic support.

2.2.3.8.0 Phase Five

2.2.3.8.1 The Implementation of The Arusha Peace and Reconciliation Agreement

2.2.3.8.1.0 Introduction

The basic issues were left unsolved by the Peace and Reconciliation Agreement, namely the transitional government and the negotiations of a ceasefire between the transitional government and the rebel groups. In between these two issues, a series of controversial agenda cropped up which jeopardised the whole peace process in Burundi. Because of this, it was aptly commented that the agreement was "a beginning and not an end"[176] and "a mere foundation for a subsequent further process of highly complex negotiations".[177] For, it was obvious that the two issues would preoccupy Heads of the Regional Initiative, mediation team, the Transitional Government and the rebel movements.

The issues surrounding the transitional government which entailed the power-sharing agenda took the mediator Nelson Mandela more than a year to resolve. As a result, the incumbent President Buyoya had to remain in office for fifteen more months before he was inaugurated as an interim president for another eighteen months of the first period of transition. After a lengthy engagement of parties it was then declared that the first interim leader would be Pierre Buyoya whose tenure

[175] For full text visit http://www.usip.org/library/pa/burundi/pa_burundi_0828200_pr5.html

[176] Bentley & Southall Op.Cit p. 91
[177] Ibid.

would start on 1st November 2001 and would end on 30th April 2003 when Ndeyizeye would take over the presidency the following day.

2.2.3.8.1.2 Ceasefire Negotiations

The question of bringing into the peace process those who were not party to the Arusha accord had to continue. Fortunately, the six Tutsi parties which boycotted the signing of the accord acceded to it later in September 2000 in Nairobi.[178]

The most difficult work was, however, the ceasefire negotiations. The negotiations with the two main groups namely Nkurunzinza's CNDD-FDD and Agathon Rwasa led PALIPEHUTU-FNL were complicated because of the high stake the two had on the peace process particularly on military power balance. That is to say the two groups had a more destabilising factor of the peace process. Based on this factor, their terms of negotiations also became complicated because if accepted would make the Arusha agreement null and void.

The CNDD-FDD Nkurunzinza had among other conditions; wanted the mediator to reject its immediate rival (John Bosco Ndayikengurukiye led CNDD-FDD faction), demanded the post of Vice President, Commander in chief of the armed forces and the speaker of the National Assembly.[179] Nkurunziza's CNDD-FDD, at one occasion, went further to denounce the South African Vice President Jacob Zuma's mediation and called for the return of the negotiations to Tanzania.

The PALIPEHUTU-FNL's Rwasa, on the other hand, refused to recognise the Arusha accord and hence the interim president. The Agreement, on his part, did not deal adequately with the ethnic issues underlying the conflict.[180] In fact, Rwasa wanted the previous military leaders-Jean Baptist Bagaza and Pierre Buyoya to be made accountable for the oppression of the Hutus.

Despite these conditionalities which really put the Arusha Agreement in a precarious situation, the two rebel groups intensified their attacks in Burundi in a bid to force the government to give in to their demands or offer more concessions.

The intensification of attacks rendered the Transitional Government helpless and frustrated. In an attempt to break the deadlock, the Regional summit held in Nairobi, in November 2000, threatened to impose sanctions on the rebels unless they entered into ceasefire negotiations with the transitional government.[181]

[178] Ibid
[179] Ibid. p.109
[180] Ibid. p.118
[181] Ibid. p. 92

Following this strong position from the summit, a series of negotiations took place in January and April 2001 in Gabon under the mediation of the Gabonese President Omar Bongo. These were followed by negotiations in October the same year and February 2002 in Pretoria and the Vaal Dam, in South Africa respectively.[182] A further meeting took place in March 2002, in Tanzania, where all Hutu groups including those signatory to the Arusha accord met. However, the Nkurunzinza and Rwasa groups did not attend. Further talks were later held in Dar es Salaam from 12th to 26th August and on 18th through to 26th September [183]

In August 2002, the rebel groups and the Transitional Government convened in South Africa. After three weeks of extensive talks, the transitional government managed to sign a ceasefire agreement with both factions of Alan Mugabarabona's FNL and Ndayikengurikiye's CNDD-FDD[184], in an event which took place on the sideline of 18th Regional Summit held from 6th to 7th October in Dar es Salaam. During this Summit, more pressure was exerted to CNDD-FDD and PALIPEHUT-FNL to engage into direct talks with the Transitional Government. It was further decided that the Summit should evaluate the situation after thirty days implying that those ceasefire negotiations had to be concluded by that time.[185]

On 3rd December 2002 Nkurunzinza's CNDD-FDD signed a mediation agreement with the Transitional Government. Early the following year, on 27th January 2003 the three rebels groups signed an additional Memorandum of Understanding(MoU) with the Transitional Government establishing a Joint Ceasefire Commission and also setting date for the return to Burundi of Ndayikengurukiye and Mugabarabona.[186]

Nkurunzinza's CNDD-FDD started dragging its feet and announced the suspension of ceasefire talks with the government. He was put under pressure by the Regional Summit to reinstate the ceasefire. There were even talks of using force to coerce rebels to engage in ceasefire talks.[187]

The regional pressure resulted in the first ever direct talks between Burundi transitional President Domitien Ndeyizeye and Pierre Nkurunzinza, held in Sun City, South Africa, from 21st to 24th August 2003 but despite the optimism shown, the talks were deadlocked by the same conditions posed by Nkurunzinza.[188]

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[183] Report on the Interim Chairperson of the Commission of African Union on the Situation in Burundi. Central Organ /MEC/AMB/4/(LXXXVI), Adis Ababa 29 October 2002 p.4

[184] Ibid p.5

[185] Joint Communiqué of the Eighteenth Regional Summit on Burundi, done in Dar es salaam on 7 October 2002. A web source http://www.reliefweb.int/w/rwb.nsf...8a0bac125c52004f788?openDocument. Accessed on 15 June 2006

[186] Bentley & Southall Op.Cit p. 94

[187] When the internal situation clearly seemed to precipitate into increased insecurity following intensification of rebel attacks, it was alleged that some members of the Regional Initiative namely Uganda and Tanzania advocated for more radical measures against rebels including use of force to coerce rebels to seriously engage in ceasefire talks

[188] Gasana, J & Boshoff, H.: Burundi: Critical Challenges to the Peace Process. African Security Analysis Program Situation Report , 16 September 2003 p.8

Progress, however, was made on reforms in the military which was a big step towards peace. The Regional Summit which took place from 15th to 16th September 2003 could not resolve the deadlock prompting the interim president Ndeyizeye to walk out of the summit.[189]

After the summit, there were extensive diplomatic efforts and pressure which resulted in the signing of the Pretoria Protocol on Political, Defense and Security, and Power Sharing on the 8th October 2003 which paved the way for the implementation of the December 2002 ceasefire agreement. The Protocol provided for the admission of the CNDD-FDD into the Transitional Government.[190] On 2nd November another agreement was signed. This was Protocol on Outstanding Political, Defense and Security Power Sharing Issues in Burundi. In addition to this agreement, the parties reached a compromise on framework for the 'inclusive' reforms of Burundi security institutions referred to the Forces Technical Agreement (FTA).[191] Following this agreement, in March 2004 members of the CNDD-FDD took offices in the government and parliament.[192]

On the other hand, not so long after this agreement, PALIPEHUTU-FNL- Rwasa held talks with President Ndeyizeye in Holland from 19th through 20th January 2004. Three months later during its National Congress held from 18th to 21st April in Kigoma Tanzania, FNL lessened its position regarding peace negotiations by announcing "to immediately cease hostilities with the government and its determination to negotiate a ceasefire with Transitional Government".[193] It took a very long time, however, for the FNL-Rwasa to reach an agreement. It was only on September 7, 2006 that The Comprehensive Ceasefire Agreement between the government of Burundi and rebel group FNL –Aghaton Rwasa was signed in Dar es Salaam.[194] At this juncture, it is important, however, to make a few comments on the transitional period, in particular on the constitutional referendum and the elections that completed the transition.

2.2.3..8.1.3 The Transitional Institutions

Transitional Arrangements which provided for Transitional Institutions fall under chapter two of Protocol II, Democracy and Good Governance. Among the Transitional Institutions was the Transitional Legislature which was made up of the National Assembly and a Senate, a transitional

[189] The Summit was attended by Presidents Benjamin Mkapa, Joachim Chissano, Thabo Mbeki and Yoweri Museveni.
[190] For details see AU Report Central Organ/mec/amb/2(LXXVII) Adis Ababa 14 January 2003
[191] Institute of Security Studies: Mapping the Road to Peace in Burundi: The Pretoria Sessions 24 November 2003. A web source http://www.reliefweb.int/w/rwb.nsf/c7ca0eaf6c79faae852567af003c69ca/bb2102627b accessed on 23 March 2007.All agreements are available on the same doc.
[192] 'Background Note: Burundi ' U.S Department of State, January 2007.Op Cit
[193] "The Chairman of the AU Commission urges Burundian Parties to stop fighting" Press Release No.034/2004.A web source: http"//www.africa-union.org/News_Events/34/2004BURUNDIAN/PARTIES/STOP/FIGHTING.pdf accessed on 21 January 2007
[194]

Executive, A Judiciary and other transitional institutions as set forth in the protocol.[195] The Transitional Executive which is the Transitional Government and interim presidency has been discussed above.

The transitional arrangements were under the supervision of the Implementation and Monitoring Committee (IMC). The committee which was established under Article 3 of Protocol V, Guarantees on Implementation of the Agreement, was charged with functions of following up, monitoring, supervising and coordinating the implementation of the agreement as provided in the respective protocols.[196] Under the Chairmanship of the representative of the UN and a membership drawn mostly from Burundian actors and players, the IMC played an indispensable role in the successful implementation of the Agreement under very difficult conditions and, without which, the record would not have one of successful delivery that is being reported.

The transitional Legislature is another example of the transitional institutions that have proved to have played another important proactive role in making of the Agreement operative, effective and fully functioning. One such role, although neither fully appreciated nor properly recognised, has been that of giving legality to the various provisions in the protocols on the actions to be taken, the activities to be undertaken of an operational and practical nature, that were necessary to facilitate the implementation of the Agreement. The various enabling legislations enacted during the transition are the most illustrious examples than can be given. The discussion on some of those legislations follows.

The Referendum on the Constitution and The Elections

The transitional period provided for the installation of a new constitution which was to give way for the new legislative institutions and a new leadership through national general elections. The new constitution provides for two types of elections namely direct and indirect. The so called direct elections were conducted in referendum, communes', parliamentary and the so called 'hill' elections. The indirect elections are for electing the senate and the president where elections were conducted through electoral colleges for the senators whereas the president is elected by both senate and national assembly. Below is a synopsis of these elections.

The Constitutional Referendum

The first on the process was constitutional Referendum which was held on 28th February 2005. Among the issues provided in the draft constitution were guarantees on representations of different

[195] United States Institute of Peace Library, Burundi Peace Agreements Digital Collection, Protocol II: Democracy and Good Governance, Chapter Two, Article 15. A web source http://www.usip.org/library/pa/burundi/pa_burundi_08282000_pr2ch2.html. Accessed on 27 March 2006

[196] United States Institute of Peace Library, Burundi Peace Agreements Digital Collection, Protocol V: Guarantees on Implementation of the Agreement, Article 3. A web source http://www.usip.org/library/pa/burundi/pa_burundi_08282000_pr5html. Accessed on 27 March 2006

ethnic groups in various public key institutions like the parliament, the army and the government. The draft constitution was overwhelmingly supported and approved.[197] The results showed that 88 percent of the 3.1 million eligible voters took part, of which about 90 percent had voted yes for the new constitution.[198]

Communal Elections

Administratively Burundi is divided into 129 Communes. Those communes elected a total of 3,225 councilors in 3rd June 2005. Although the elections were declared free and fair, in few constituencies, they were to be rerun because of violence. The results were in favor of CNDD-FDD party which earned 55 percent of the counselors.

Parliamentary Elections.

These were held, a month after commune elections, on 5th July 2005. The elections which created a lot of anxiety were successful in the sense that they did not bring any serious controversy which could endanger the peace and stability. It received a clean sheet from the observers.[199] About thirty political parties participated in the elections vying for 100 seats. According to African Elections Database, the final results, however, showed that CNDD-FDD had firmly consolidated its preliminary victories by winning 64 seats.[200] Its nearest challenger was FRODEBU with 30 seats followed by UPRONA 15 seats, CNDD 4 seats, 2 seats went to Movement for the Rehabilitation of Citizens-Rurenzangemero and 3 to Twa members. To adhere to the constitutional requirements[201] for distribution of seats, eighteen more members were co-opted.

District Elections

To ensure smooth running of the district and people participation, the constitution has instituted district councils which consists of five elected members resulting from a direct vote from independent candidates. The council's duration is five years.

Elections of the Senate.

These were held on 29th July 2005 where the senators were elected using the indirect system of Electoral College. In each of the seventeen provinces two senators-Hutu and Tutsi were elected, three from the Twa and the four former presidents become members of the senate by virtue of being

[197] 'Burundi backs new constitution' BBC NEWS 2005/03/01 web source http://news.bbc.co.uk/go/pr/fr-/2/hi/africa/4306831 accessed on 2/27/2007
[198] Ibid.
[199] See also "Tutsi Party accepts Burundi poll" BBCNEWS 7/7/2005 Web source http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/4659055.stm accessed on 27th February 2007
[200] African Elections Database "Elections in Burundi" African Elections Database-2005, published on 26 June 2006. A web source http://www.africaelections.com/articles/12/1/Elections-in-Burundi accessed on 20 February 2007
[201] The constitution provided for 60 percent seats for Tutsi, 40 percent for Hutus, women entitled for 30 percent quota and three seats for Twa.

former heads of State. Women occupy at least thirty percent as was the case of the parliament. In these elections too CNDD-FDD continued to show its strength by scooping 32 seats against 5 of FRODEBU, 3 of CNDD, 2 of UPRONA 2 and 3 of the Twa.[202]

Presidential Elections

The completion of the lower level elections was very fundamental for the running of presidential elections. For the members of the Senate and the National Assembly were the ones entrusted to elect the president. Pierre Nkurunzinza was the only candidate submitted to the joint session of Parliament and the Senate on 19 August and subsequently approved by 151 votes against 9 with one abstention.[203] He took oath on the 26th of August to become the first president of the new Burundi.

Repatriation of Refugee and the Resettlement of Displaced persons

The Repatriation of the Refugees and their Resettlement as well as that of the other Displaced Persons is the other important aspect of the implementation of the Agreement. This was made possible after the signing of a Tripartite Agreement between the government of Tanzania, The government of Burundi and The United Nations High Commission for Refugees.[204] So far the big part of Burundi refugees who were in Tanzania has returned home. The process has contributed significantly to the consolidation of peace building efforts in Burundi.

Apart from the above illustrated examples of implementation of the Arusha agreement, there were many activities which complement the implementation of the same. These included making of various laws which pave the way for realisation of the agreement. For example, reforms of the army and police forces, President Ndayizeye signed the law affecting those reforms in early 2005.[205]

2.2.3.9 Factors that influenced Implementation of the Agreement.

The election of President Nkurunzinza by the joint session of the National Assembly and Senate in August 2006 signified the implementation of various aspects of the Agreement. The signing and implementation of Ceasefire agreements and end of hostilities also add to that big achievement in implementing the agreement.

However as was the peace negotiations, the implementation phase was confronted with different obstacles which hindered its pace and affected the implementation time table. Below is a brief of those obstacles.

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[202] African Elections Database. Op Cit.
[203] 'Background Note: Burundi' U.S. Department of State, Bureau of African Affairs January 2007, web source http://www.state.gov/r/pa/ei/bgn/2821.htm accessed on 2/26/2007
[204] Unite Nations , Report of the Secretary General on Burundi S/2004/210 16 March 2004 web source http://daccessdds.un.org/doc/UNDOC/GEN/NO4/269/25/IMG/NO426925 accessed on 9th December 2006
[205] 'New national army for Burundians' BBCNEWS 2005/01/04 Web source: htpp://news.bbc.co.uk/go/pr/fr/-/2/hi/Africa/4144727.stm accessed on 27/2/2007

Delay of the start of the Transitional government.

This was caused by the Tutsi parties-The G 10 which took a year to decide who should be the interim president. This affected transitional period and consequently affected the implementation timetable. For example elections timetable had to be postponed.

Rebels' activities

Rebel groups which boycotted the Arusha Negotiations mainly Nkurunzinza-led CNDD-FDD and Rwasa- led PALIPEHUTU FNL contributed to the snail pace of the implementation of the agreement. A lot of resources were used to convince them to sign the ceasefire agreement. Their military activities had direct negative impact to the Agreement. First, it created frustrations within the Transitional Government and secondly it led to the insecurity and hindered activities geared to support people. Their activities even affected support from would-be financiers. Whilst some had their pledges withheld until the signing of ceasefire and others failed even to pledge until the situation had normalised.

Internal squabbles within political parties and rebel groups.

Misunderstandings within political parties created an atmosphere of insecurity in Burundi during the transitional period. It was the same to rebel movements.

Delay of international support

Although the international support was and still is a very crucial element of the peace process, delay of support in the form of pledges hindered efforts to implement the agreement. Some, as said earlier, had tied up their pledges with the signing of ceasefire agreement. Hence, sometime access to resources became difficult.

2.2.3.10Lessons to be learnt from Burundi Peace Process

Many lessons can be learnt from the Burundi Peace Process with both theoretical and practical relevance. Among them are the following;

Identification of conflict protagonists and stakeholders

The peace process has shown that when conflict erupts and when one decides to mediate, clear apprehension of the main actors is imperative. The process should be all inclusive to avoid negative forces as well as to prevent clear-cut and extreme divides. The research asserts that the failure of the two first rounds of talks was mainly attributed to this fact. Entrusting the negotiations to the two protagonists who represented the country's ethnic divide was a non-starter. The research appreciates

the fact that the first All Parties Talks managed to set and agree on agenda in a short time because of the diversity of players involved as opposed to the previous two where parties defined the conflict in high stakes.

African solutions to African Problems

The peace process has practically demonstrated the saying that 'where there is a will there is a way'. African leaders in general and those of the Regional Initiative have not only demonstrated that Africans are able to handle their problems but also their willingness and commitment to solve them. Two lessons can be drawn here; one is, Africans can only solve their problems if they clearly identify and admit them, and then united under their spirit of Pan Africanism. Secondly, if they have political will. The Burundi peace process has proved both. Whilst their differences, but guided by the political will, the Regional leaders, assisted Burundians to achieve peace.

Clear conceptualisation of the Conflict

Giving the right conceptualisation of the conflict in the first place is very important in a region with homogeneous societies. This normally assists the regional players, in the case of Burundi conflict, to have the right perspective in solving the conflict. By giving Burundi conflict the regional focus, it made it easy to see how dangerous the Burundi conflict was to the regional peace and security. Hence Burundi conflict formed part of the regional leaders' efforts to solve other conflicts within the region as a way of stabilising the region. The signing of the Dar es Salaam Declaration on Peace, Security and Development in the Great Lakes Region is the manifestation of this conceptualisation.

Regional concerns

Relating to the above lesson is the importance of setting up of regional settings/bodies which will be used to collectively address certain issues which affect the region. The Great Lakes Region which led to the creation of the Regional Initiative on Burundi was a result of regional concerns particularly the conflicts which the region was facing. The internal conflicts in some states within the region in which other states directly or indirectly were involving themselves in caused fear of regional wars. In the absence of such arrangements like the ECOWAS of West Africa, it took too long to deal with those conflicts including that of Burundi.

Sanctions

The use of sanctions as a motivational instrument in a conflict situation like that of Burundi calls for a clear and extensive study on its effectiveness to deliver the intended results on the one hand and its implications on the part of the state actors on the other hand. While the Regional Initiative

had well conceived that the sanctions against Burundi military regime would act as a motivational instrument to encourage the latter to return to civil rule, it seemed that it had considered neither their practicality nor its implications to the diplomatic relations within the region. While there were signs of the impact of the sanctions which had somehow influenced regime change of attitude, the flaws in its implementation rendered the whole idea effectless. The research is of the opinion that had the Regional Initiative considered diplomatic consequences and the sanctions it would have to the immediate neighbors particularly Tanzania, it could well have avoided the diplomatic raw between Burundi's military government and Tanzania. This would also have a more positive and rapid impact on solving the conflict.

Mandela and South African mediation

The change of mediator from Mwalimu- following his death, to former President Nelson Mandela brought some controversy particularly when the later decided to step down after the signing of the Arusha Peace Agreement. It is still not clear why Mandela passed the task to his Deputy and when the latter was relieved of his duties, the work was entrusted to a minister. The question still is who succeeded Nyerere? Was it Mandela or the government of South Africa? It seemed that there were no clear guidelines on the part of the Regional Initiative on this, something which needs clear consideration for the benefit of similar future events.

Dependence on Resources from outside

Whilst political will is crucial in dealing with African problems, lack of resources is important particularly in ensuring ownership of the process. Relying on foreign resources is a major setback as it proved during the Burundi peace process. When conflicts of interests become obvious with the financiers it is always the other end which suffers as the latter withholds its resources. This leads to delay and non-performance of the programs that ultimately derails the process.

Conclusion

The main conclusion could be the general one: so far so good and all is well that ends well. The Agreement has been held, implemented and the first elected government has survived a longer test of time than the first experience in 1993. Taking on board, first, CNDD FDD and, later, PALIPEHUTU FNL is further evidence that the process of peace building is on track and firmly on course. It has been a very long and arduous track since the peace process started with the identification of the relevant Burundian actors and players who would commit themselves to the

political solution of the conflict until the inauguration of a new elected President in August last year.

There is no doubt that it is the Burundian actors and players who have made it possible for the track to have reached the desired objective-peace, stability and reconciliation. The Burundi Peace Process is an experience and an illustrious example of what a committed and determined people are capable of doing and able of achieving if they are properly motivated and effectively facilitated. This is notwithstanding the obstacles typical of such a deeply divided society, in particular, in the case of Burundi, the concerns over the safety, security and survival of the Tutsi as an ethnic minority and their accompanying fears of extermination by the Hutu ethnic majority.

There is, nevertheless, need to acknowledge and give full recognition to the potential role of outside actors and players who assisted the protagonists to see the rationale and benefits likely to be derived from the peace dividend that was delivered through the political and constitutional dispensation. The Burundi Peace Process is an experience with rich examples on the contribution made by Tanzania, the Regional Initiative, the AU and International Community in the respective roles played at the various capacities from the early phase of peace making to the recent phase of peace building. We now move to the next chapter on the Role of Tanzania in the Burundi Peace Process.

CHAPTER THREE

THE ROLE OF TANZANIA IN THE BURUNDI PEACE PROCESS

3.0 Introduction

In chapter two, the study concentrated on the peace process, particularly the Arusha peace negotiations highlighting the main issues, processes and the signing of the peace agreement. Focus was also on the implementation of the agreement which included discussion on the transitional period which included setting up the transitional institutions and the ceasefire negotiations. The process, as it was revealed, involved different players with Tanzania as one of them.

This chapter focuses on the role of Tanzania in the Burundi's Peace Process. The study starts by tracing and examining Tanzania-Burundi relations overtime. It then looks at factors that have influenced Tanzania's involvement in the peace process. The chapter further looks at the reasons why Tanzania was chosen to host the Burundi Peace Negotiations and how South African involvement affected that of the former. The chapter concludes with an evaluation of Tanzania's role and highlights the major lessons learnt from its participation.

3.1 Tanzania-Burundi Relations

During the early years of colonisation Burundi, Rwanda and the then Tanganyika were jointly subjugated under the German imperial power through its colonial agent-German East Africa –from 1888 to 1916. After the First World War, Burundi and Rwanda were given to Belgium, while Tanganyika became a British protectorate. The discussion in this section on Tanzania-Burundi relations only starts with the decolonisation process in the late 1950s to the present.

In the pre-independence period, the relations between the two countries were conducted through their national political movements; in this instance Tanganyika African National Union (TANU) for Tanganyika and UPRONA for Burundi. While these were unofficial relations, they, nonetheless, formed the foundation during the post independence ties.

The leader of TANU Julius Kambarage Nyerere spearheaded the relations with the other nationalist movements in the region. He was instrumental in the formation of the Pan African Freedom Movement for East, Central, and Southern Africa-PAFMECSA[206], which was founded in September 1958 in Mwanza, Tanzania, being the successor of the Pan African Freedom Movement

[206] PAFMECA changed to PAFMESCA after widening its membership from only East and Central to include those of Southern Africa region.

for East and Central Africa-PAFMECA.[207] The primary functions of these regional bodies were to coordinate and support national programs and efforts to accelerate the attainment of independence in the region and Africa in general.

Nyerere, who later became the chairman of PAFMESCA, met various nationalist leaders in Africa. It was during this time that he met Prince Louis Rwegasore the leader of UPRONA, in Burundi and started developing a close relationship. It is believed that Nyerere, through TANU tactically and financially supported Rwegasore and his party in their struggle against Belgian colonialists. It is, indeed, alleged that Nyerere and Rwegasore had secretly agreed to form a federation when their countries attained independence.[208] In 1957, on his way to Accra, Ghana, Mwalimu made a stopover in Bujumbura where he met Rwegasore. In their discussion it was claimed that Mwalimu had told his counterpart that "you [Rwegasore] are lucky, you have a nation [Burundi]...but I am trying to build one [Tanzania]"[209]. Mwalimu's belief was that Burundi was a unified state with only two or three ethnic groups sharing the same culture and language unlike Tanzania which had more than one hundred and twenty ethnic groups speaking different languages.

However both their desire to form a federation and Mwalimu's belief of a united Burundi were thwarted following the assassination of Rwegasore, a Prime Minister-elect, on 13th October 1961 a few months before independence.

After independence, both countries shared common values in their foreign policies. They both supported liberation movements as well as belonged to the Non-Aligned Movement to avoid the East-West political and military alliances. The two countries recognised, from the very beginning, the danger of tying themselves to either of the blocs.

At the bilateral level, the two countries concluded various agreements and protocols of cooperation in various fields from the early years of independence until the early 1990s when Burundi started to experience extreme internal political turmoil. In May 1971 the then President of Tanzania the late Mwalimu Julius Nyerere made a state visit to Burundi. The communiqué issued at the end of his visit reaffirmed the critical role the transport sector had been playing as far as relations between the two countries were concerned.

The communiqué quoted the Tanzanian President acknowledging that the Dar es Salaam port as well as Tanzania central railway line represented a vital link for Burundi as regards her economic and commercial relations with the outside world. Furthermore he assured his counterpart, President

[207] Nnoli,O.: Self Reliance and Foreign Policy in Tanzania: The Dynamics of the Diplomacy of a New State,1961-1971,Nok Publishers,Lagos.1978 pp. 30-32
[208] Ndarubagiye, Op. Cit p.28
[209]Interview with Ambassador Charles Sanga., former Personal Assistant to Mwalimu Nyerere and former Personal Assistant to the President. Currently Deputy Permanent Secretary in the Ministry for Foreign Affairs and International Cooperation. Interview conducted in Dar es Salaam, 15th July 2006

Jean Baptist Bagaza that his government attached high priority to the transport problem of Burundi and more efforts were being made to modernise the central railway line.[210]

However, at the very diplomatic level, the presence of Hutu refugees in Tanzania, since the 'first wave' of refugees from Burundi following the 1972 massacre, created a kind of uneasiness on the part of Burundi[211]. Indeed on certain occasions this created a black spot in the relations of the two countries as will be demonstrated in the course of the discussion later. Since the 1972 massacres many Hutus took refuge in Tanzania and the government in Burundi was suspicious that the Hutu refugee in Tanzania could regroup and form an opposition movement against the Bujumbura government.

During many occasions when the two countries met particularly at the ministerial consultations, the issue of refugees was discussed. However it was in a more covert way under the agenda of border security, immigration, illegal trade and movement of people along the border of the two countries.[212]

This mistrust was reinforced by the Hutu incursions in Southern Burundi in 1972 which sparked mass killings of Hutus by government forces and resulted in the invasion of Tanzania on 29th June 1973 by the Burundian armed forces which attacked refugee camps along the border within Tanzania. The attack left ten civilians dead.

The government of Tanzania, it is said, reacted swiftly but silently, by imposing sanctions on goods to and from Burundi. However, according to the US Department of State's Archives, it was the dockworkers that appeared to have taken the action against Burundi goods. A memorandum from Thomas Pickering, Executive secretary to Mr. Henry Kissinger–The then Secretary of State confirms this by noting that "as a result of the strikes into Tanzania, however, Tanzania dockworkers had been boycotting goods bound to and from Burundi"[213] The diplomatic bickering between the two neighbours ended after mediation by Zairean government where The Presidents of Tanzanian and Burundi met in Dar es Salaam on 21st July 1973 under the chairmanship of President Mobutu Seseko.

The outcome of the meeting was a joint communiqué in which Tanzania accepted to resume normal relations with Burundi including economic and commercial relations and Burundi and the latter, on its part, expressed its regrets over the June 29th incident and accepted to pay compensation

[210] Joint Communiqué issued after a state visit by President of Tanzania Mwalimu Julius Nyerere to Burundi, Bujumbura 10th May 1971
[211] For details see Lemarchand,1994 Op.Cit and Gamaha, J et el in Adebayo,A (ed.) 1999 Op.Cit
[212] See joint Communiqués and various documents relating TO meetings between ministers particularly, prime ministers, ministers of Foreign Affairs, and Home Affairs between 1973 and 1992.
[213] Department of State, Washington D.C 'Burundi Problem- Response of African Leadership' A memorandum for Mr. Henry A Kissinger, White House from Thomas R Pickering, August 8, 1973[a declassified material] web sourced http://www.state.gov/r/ho/frus/nixon/06 visited on 23rd November 2006

to the victims of the said incident.[214] The amount of compensation was worked out later by the two parties and was agreed during the protocol signed later in November, the same year. The Protocol affirmed the June statement by heads of state and stated that Burundi government would pay Tanzanian shillings 3,758,672.00 which was to be effected not later than 30th March the following year.[215]

The normalisation of relations between the two countries after the 1972 and 1973 incidents saw them engaged in more constructive undertakings with emphasis on, among others; cooperation on enhancing transport facilities for Burundi goods, improving trade, close monitoring of movements of people along the borders and improving cultural relations.

The two countries continued to exchange high level delegations including those of their heads of state. In 1980 Burundi and Tanzania established a Joint Permanent Commission to consolidate and continue their historical relations by exploring new areas of cooperation. One of the key areas of cooperation was, of course, transport. Burundi, as a landlocked state, relies heavily on Tanzania in the transportation of its goods. It is the easiest and most convenient gateway to the outside world and that is why the issue of transport cooperation between the two has always dominated their bilateral relations.

The year 1988 saw another wave of refugees from Burundi into Tanzania and the resumption of refugee mistrust. The Bujumbura government pressed for an Extradition Agreement between the two countries. The agreement was signed during Buyoya's state visit to Tanzania the same year.[216] As far as Burundi was concerned, the agreement was aimed at nabbing the so called 'criminals' from Burundi escaping to Tanzania. However, in reality and as a matter of fact, it seemed that it was part of the strategy of the Burundi's regime to enable it pursue the Hutu insurgents fleeing from that country to seek refuge into Tanzania.

In conclusion, the relations between the two countries were dominated by two critical factors namely Burundi's landlocked nature which made it rely on Tanzania for transportation and the refugee factor which describes the social relations in Burundi and Rwanda as well. In addition, it is relevant to note that these relations were affected by lack of continuity due to the frequent change of leadership in Burundi. Notwithstanding all these, the two countries have been enjoying cordial relations.

The assassination of President Ndadaye in October 1993, a few months after his swearing-in, resulted in a new wave of refugees from Burundi into Tanzania. This was immediately followed by the death of the second Burundi President and genocide in Rwanda. Both events led to further

[214] Tanzania/Zaire/Burundi Joint Communiqué issued in Dar es Salaam on 21st July 1973
[215] Accord Conjoint Entre La Republic Unie de Tanzanie et La Republic du Burundi, Dar es Salaam 6 Nov. 1973
[216] Joint Communiqué issued at the end of Official visit of H.E Major Pierre Buyoya, President of Burundi, to Tanzania, Dar es Salaam,28 April 1988

influx of refugees into Tanzania. By mid 1994 Tanzania was faced with civil wars in two of its small neighbors and had to do something about it. It is within this background that one should examine Tanzania's role in the Burundi Peace Process.

3.2 Tanzania's Involvement in the Burundi Peace Process

"States have different motives to be involved in conflict management process between other states. Their motives may include humanitarian (moral) concerns, interests in regional stability….states may be also concerned about their own security-economic, political, military, or humanitarian-challenged by a conflict in neighboring country" [217]

The above quote opens this section's discussion on why Tanzania took part in the initiative to find the lasting solution to the Burundi conflict. In chapter one, the section on analytical framework highlighted the main factors, which the study asserts that are the main motives behind Tanzania's search for peace in Burundi.

The motives had influenced on what Tanzania could do or not–thereof–in the peace process. These motives emanated from both its desire to safeguard its national interests as well as humanitarian motives precisely performing its moral obligations.

These factors (motives) include *inter alia* national security concerns, economic and development needs, diplomatic imperatives and the refugee question within the region which was negatively affecting its society. Both factors have their roots in the country's domestic development policies and plans, and were given prominence in its foreign policy goals and objectives towards its neighbors *vis a vis* regional economic, security and development cooperation.

It might be useful at this juncture to point out that Tanzania's efforts in resolving Burundi conflict are part and parcel of Regional Initiatives. However, Tanzania has always been associated with conflicts in the region including that of Burundi because of its geo-strategic position in relation to its neighbors. The geo-strategic location gives Tanzania a positive and comparative advantage during the time of peace, but becomes highly vulnerable during the time of civil conflicts in its neighbours as it had been from mid 1990s when the region experienced persistent civil wars and violence in Burundi, Rwanda and the Democratic Republic of Congo.

One of the cornerstones of Tanzania's foreign policy has been its Panafricanism aptly stated in the declaration that her own independence was incomplete if other African nations were still under

[217] Barseghyan, K and Karev, Z ."Playing Cats-and-Mouse: Conflict and Third-Party Mediation in Post-Soviet Space " in OJPCR, The Online Journal of Conflict Resolution No.6.1 Fall 2004, p.195 Web sourced www.trinstitute.org/ojpcr/6_1n-k.htm accessed on 12th December 2006

colonial oppression. This strong Pan Africanist belief has seen Tanzania offering tireless support to the national independence efforts in the continent and racial discrimination in South Africa.

Equally, Tanzania has come to link its national peace and stability with that of the whole region. A quote form John Salaita confirms this position: "Tanzania believed that national peace and security would be achieved only when the region as a whole was enjoying peace. A volatile region was clearly a serious threat to national security in many ways."[218]

Thus, to Tanzania, conflicts in Burundi and in other neighbouring countries, like Rwanda and DRC, are seen as a potential threat to its national security. Tanzania perceives national security in a wider perspective which includes not only threat from outside forces as maintained by the classical realist school of thought[219], but among others political stability and national cohesion, having stable, steady and shared economic growth through investments and promotion of good governance.[220]

Tanzania had, thus, to participate in the search for peace within the region. There were, however, many other factors that shaped Tanzania's involvement in the Burundi Peace Process. These are examined below.

3.2.1 The Refugee factor

Tanzania has been hosting refugees since 1959 when ethnic violence took place in Rwanda in what is commonly referred to as the Hutu Social Revolution. Many Tutsi fled to Tanzania. This was followed by the 1972 massacre in Burundi which forced hundred of thousands of Hutu to seek refuge in Tanzania. These refugees were well received and some were even naturalized.

However, the crisis in the 1990s particularly following the 1993 coup d'etat in Burundi, the 1994 genocide in Rwanda and subsequent fighting in the Democratic Republic of Congo produced millions of asylum seekers within the region with many gravitating towards Tanzania. At one time during the Rwanda crisis Tanzania received more than five hundred thousand refugees in less than twenty four hours. This had a big negative impact on Tanzanian society in terms of *inter alia* political, economic, social as well as in its national security.

The refugees who are running away from persecution normally have, first, the tendency of regrouping and possibly organising themselves to return back as rebels or in any other forms of resistance against the incumbent regime. This becomes very problematic, on the part of the host nation, especially one with porous borders with the refugees' country of origin as is the case of Burundi and Tanzania.

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[218] Salaita Op.Cit

[219] Dougherty & Pfaltzgraff, Op Cit. p 84-93

[220] Tanzania National Website, http://www.tanzania.go.tz/ accessed on 20 September 2006

Second, refugees normally run away with arms and enter with them into the asylum country. In the case of Tanzania, a lot of small and light arms were smuggled into the country during the period under review.[221] According to Landau, in Kigoma district for example, hidden firearms like AK-47s were easily uncovered by the villagers and sometimes easily sold at a price of between USD15 and USD 20.[222] What made more arms get into Tanzania was among others the lack of proper verification at entry points for those who use official entries as during crisis these refugees entered in thousands. Besides, many enter using unofficial routes. For example in February 1995, the then President of Tanzania, Ali Hassan Mwinyi had to appeal to the international community for assistance to disarm Rwandan refugees in Tanzania.[223]

The two created triple security problems. Firstly, it increased border tension with neighbours, particularly Burundi and mistrust between the two countries. Secondly, crimes associated with the use of arms increased tremendously in the countries that hosted refugees in the period under review because of the availability of firearms as noted above. Thirdly, the large number of refugees who sometimes outnumbered the local population in the area created tension between refugees and host communities. For example, in 1994 Ngara district received a record of 700,000 refugees, more than four times its population of 160,000.[224] Such a big number of refugees increased pressure on resources that had to be shared with the local population.

The refugees forced the government to spend more resources on security for both refugees as well as its border areas. This meant diverting funds from development programs for the unbudgeted events.

Tanzania's response on refugees has always been positive as confirmed by a Burundi returnee who says: "Tanzania's support to Burundi [refugees] over the years has been considerable."[225] The government's strategy was to always have the refugees integrated in the society if they choose to do so and hence, the naturalisation exercise in the 1980s. However, as the numbers of refugees skyrocketed, Tanzania was compelled to reorient its policies and domestic legal framework on refugees to suit the new emerging refugee environment and the challenges of facing the whole question of hosting refugees from neighbouring countries.

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[221] Statement by Tanzania's Inspector General of Police during the seminar on "Tackling Small Arms in the Great Lakes Region and the Horn of Africa: Strengthening the Capacity of Sub-Regional Organizations". Dar es salaam, Tanzania 7-8 May 2000**.** About 294 firearms were seized in eight months during the operations in refugee camps in north western Tanzania with the border with Burundi, DRC and Rwanda,

[222] Landau, L. "Beyond the Losers: Transforming Governmental Practice in Refugees-Affected Tanzania" in Journal of Refugee Studies, Vol. 16,No.1 2003, p.29

[223] Kamukama, D.: Rwanda Conflict: Its Roots and Regional Implications, Fountain Publishers, Kampala, Uganda. 1993 pp. 135-136

[224] Rutinwa, B. "The Tanzania's Government Response to Rwandan Emergency" in Journal of Refugee Studies Vol.9,1996, p.295

[225] Clover, J. "Burundi beyond the Transition? The challenge of a return to peace" in African Security Review ,Vol.13 No.2, 2004, p.72

Therefore it shifted its refugee policy from what was considered as 'open door policy' to a more restrictive one with a focus on repatriation of refugees. This was criticised not only by human rights activists but also looked at suspiciously by some of its development partners.[226] Furthermore, refugees too were critical on the new policy although they related it to the change of mediation of the peace negotiations. The same returnee quoted above compares the situation and notes that: "the role of the facilitator has been shifted from Tanzania to South Africa. It appears that the Tanzanians now feel sidelined, and in consequence their attitude towards the Burundian refugees seems to have become less supportive"[227] Therefore the search for peace in Burundi was partly linked to the easing of refugee pressure on Tanzania's resources and security.

3.2.2 The Political and social tension

The large influx of refugees created internal political tension and an environment of discontent among the local communities. First the refugees were perceived by the host communities as receiving more services from the state. Secondly, refugees came to be associated with all social evils in the host areas including armed banditry, prostitution and even increased costs of living which were caused by the increased prices of commodities due to the influx of foreign workers[228] in those areas.

As the country approached its first multiparty elections in 1995, after more than twenty seven years of single party system, the refugee issue became politicised. The incumbent government was constantly blamed for giving priorities to refugees while its own citizens were suffering. This was supported by the changed perception of the majority of Tanzanians on the refugee problem which had been taking place overtime. Traditionally, refugees were coming from countries which were under foreign occupation or oppressive regimes such as apartheid South Africa. In this regard, refugees were perceived by the locals as "political not humanitarian"[229] and therefore, with all coming from independent countries, the justification of giving them asylum, "to the majority of Tanzanians is entirely absent."[230]

Therefore, this had later forced the government to change the laws governing refugees in the country. Part of the solutions, however, lay in possible repatriation of refugees to their countries of

[226] The Refugees Act no.2 of 1967 was replaced by the Refugee Act of 1998 and A new National Refugee Policy was enacted by Parliament in 2003

[227] Clover, J Op.Cit.

[228] During refugees crisis the Western part of the country was flocked by foreign workers and Tanzanians from outside the region engaging in relief works. This created scarcity in housing, food, fuel and other consumables. Whereas these workers were highly paid the local income was low hence increased prices severely affected their purchasing power.

[229] Rutinwa, B. "The End of Asylum? The changing nature of refugees policies in Africa" in Journal of Humanitarian Assistance, 1999 p.8 a web sourced http://www-jha.sps.cam.ac.uk/c/c005.pdf posted 1 August 1999 and accessed on 3rd March 2006

[230] Ibid.

origin. But repatriation can not be undertaken when the reasons which made one to seek foreign asylum are still there. And on humanitarian grounds, Tanzania could not forcefully do so. Therefore, the only solution to the refugee issue was to address the core causes of the problem; that is the conflict in the country of origin, in this case Burundi.

The refugees, as noted earlier, constituted a source of tension between Tanzania and its neighbors. The mere fact that Hutu refugees were running from 'unjustifiable' repression by their own government made Tanzania sympathetic with their plight. This created constant diplomatic tension between the two countries. Burundi consistently accused Tanzania of harboring and assisting rebel groups which were fighting the government.

The relations between the two countries had by mid 1997 deteriorated to such an extent that they almost went to war with each other.[231] Furthermore, Tanzania's sympathy to the Hutu refugees led Burundi to question the impartiality of the government of Tanzania, in general, and Mwalimu Julius Nyerere's mediation role[232] in particular. Both were accused of being pro-Hutu; the majority of Burundi's refugees in Tanzania as well as the rebel groups. These allegations, however, were not new. When Hutu refugees from Rwanda fled into Tanzania during the 1994 genocide, the RPF led Rwandan government leveled the same allegations against Tanzania.

Burundi's accusations were exacerbated by the occasional rebel incursions into that country from Tanzania which the government in Bujumbura directly attributed to what it described as 'Tanzanian authorities' support to the rebels and allowing the refugee camps in western Tanzania to be used for their recruitment and military training. Such a situation compelled Tanzania to strengthen its defense forces to secure its borders from movements of rebels as well as against any infiltrations of Burundi forces which frequently crossed the borders claiming to pursue the rebels.

This also had a negative bearing on Tanzania's image in the international community as part of that community showed sympathy to the allegations raised by Burundi. This resulted in a covert reduction in the financial support for the peace process efforts that were being hosted by Tanzania.[233]

Tanzania's diplomatic undertakings were affected by frequent regime changes in Burundi and other neighbouring countries such as Rwanda and the DRC. Due to these changes Tanzania had, invariably, from time to time, to find ways to adjust to the constant regime changes. New regimes

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[231]Khadiagala.G. "Burundi" in Boulden, J.:Dealing With Conflict in Africa: The United Nations and Regional Organizations, Palgrave Macmillan, New York. 2003, p.231

[232] Bentley & Southall, Op. Cit, pp. 57-59. See also International Crisis Group, Central Africa Report", Burundi Refugees in Tanzania : The Key Factor" Report No.12, November 30,1990

[233] Khadiagala opt cit p.229-230

not only attracted different players with varying interests but also created different alliances within the region. As Balch-Lindsay and Enterline noted: "the greatest the frequency of neighboring states [including from distant far in the case of Burundi], the greater the number of interested parties resulting in an increase in the general complexity of the civil war"[234]

Conflict and civil wars in the region attracted many players to the scene. Among the players were Tanzania's main development partners. Tanzania and the other players had neither a common vision of these conflicts nor shared common interests. This became a major challenge in that the country had to play a balancing game of preserving its integrity and remaining in the good books of its partners.

3.2.2 The Socio - economic factors

In the economic sphere, conflict in the neighboring countries, including Burundi, has had negative effects on Tanzania's short and long term economic goals and plans. This is because it regards these countries and the region as a whole as potential partners in development, within the context of regional economic and political integration.[235] The comparative advantage, Tanzania has over its landlocked neighbours like Zambia, Burundi and Rwanda and close trade relations with the eastern DRC has been given prominence in Tanzania's strategy of attracting foreign direct investment-FDI.

Two things need to be noted here. First is the fact that Tanzania's main neighbors are landlocked. Tanzania, therefore, provides vital links to the outside world to Burundi, Malawi, Rwanda and Zambia and the eastern of DRC. Violent conflict affected commerce and trade between those countries. This consequently reduced revenues from trade and also decreased productivity of the Dar es Salaam port -which most of those countries use as their gateway for import and export trade. The port is one of the prime sources of government revenues that nevertheless if it is so underutilised, due to any reason, affects government revenue as a result of which national development plans are interrupted.

Besides, the conflict had adversely negative effects in the transport sector particularly the central railway and the road network of the southern corridor which connects Rwanda, Burundi and DRC. In this case, even the sanctions imposed by the Regional Heads did also critically affect Tanzania business in particular and the nation in general.

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[234] Balch-Lindsay, D and Enterline, A. "Killing Time: The World Politics of Civil War Duration, 1820-1992" in International Studies Quarterly, Vol. 44, 2000, p.623

[235] see Dar es salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region: Towards a Prosperous and Peaceful Region, Dar es salaam,20 December 2004

Statistics reports show that Burundi, DRC, Malawi, Uganda and Rwanda are the major users of Dar es Salaam port. The same report shows that during conflict; particularly when the regional leaders imposed economic sanctions against Burundi in July 1996 traffic of goods dwindled. For example, Burundi's imports through the port dropped from 133,970 tons in 1995 before the sanctions to 32,312 tons and 31,013 tons in 1997 and 1998 respectively during the sanctions. [236] However, immediately after the sanctions were lifted, they rose again from 78,197 tons in 2000 to 100,998 tons in 2001.[237]

Secondly, in attracting FDIs, Tanzania presents itself as the gateway to the regional market (East and Central Africa) of over two hundred million people. However, regional peace and security remains a pre-condition for external investments. The Great Lakes Region has been engulfed by conflicts throughout the 1990s. The Burundi latest crisis started in 1993 and DRC was invaded by Rwanda, Uganda, Burundi and Angola in 1996.

With the overthrow of Mobutu, a new war erupted in the DRC in 1998 pitting more than six countries' armies[238] against each other. The generated insecurity put a hamper to the foreign direct investment. Tanzania had to play a role in resolving the regional conflict for self economic interests. In the case of conflict in Burundi, Tanzania came to play host to the peace negotiations. This is what is focused upon below.

3.3 Why Tanzania was chosen to host the Peace Process?

Choosing venue for mediating a conflict is one of the key preliminary issues involving the mediators of any conflict. It is assumed, as in the case of mediators themselves, the venue must be accepted by all parties in the conflict. However, in the case of hosting the Burundi peace talks, it was the preference of the Facilitator Mwalimu Nyerere. That led to the talks taking place in Mwanza. His choice of Mwanza was to avoid big cities' hassles. But the reason could also be because Mwanza was close to his retirement home, Butiama, where he used to stay.

When the first two rounds of talks (Mwanza I and II) failed, as stated in chapter two, the venue was permanently moved to Arusha. The decision to move the talks from Mwanza to Arusha was reached by the Regional Summit and the facilitator mainly perhaps for convenience purposes as

[236] 'Report on Cargo Handled Through Dar es Salaam Port, 1990-2005' Tanzania Port Authority (PTA) website http://www.tanzaniapots.com/annual reports visited 1st July 2006

[237] Ibid

[238] During the DRC conflict several countries were involved among others Angola, Burundi, Namibia, Rwanda, Zimbabwe and Uganda.

Mwanza did not have enough facilities to satisfy the needs of many dignitaries. The critical question, here, however, is why Tanzania was chosen to host the Burundi negotiations. This would help to understand the regional setting for the negotiations as well as shed light on some misconceptions about the honour accorded to Tanzania to host the negotiations.

Various factors favored Tanzania to host the peace negotiations than any other country in the region. Historically, Tanzania has been engaged in conflict resolution in the region from the period of the liberation against colonialism and racial discrimination in Southern Africa to post independence period. It hosted the then OAU Liberation Committee until it was disbanded after South Africa's democratic elections in 1994. Besides many liberation movements had made Tanzania their home.

Furthermore, Tanzania had played a pivotal role in the Front Line States grouping. This historical reputation contributed to its selection to host the peace process. Tanzania had also initiated and hosted mediation talks during the Rwandan conflict between the then President Habyarimana's regime and the Rwandan rebels-RPF from 1991 and 1994. This was later followed by the International Tribunal for Rwanda.

Another factor in selecting Tanzania was the country's political stability. In 1993 when the Burundi crisis started most of Burundi's neighbours, in one way or another, had their own internal conflicts which precluded them from hosting peace negotiations. The three East African countries, namely Kenya, Uganda and Tanzania were the most possible candidates but it was only the latter which seemed to qualify because of being the more peaceful and stable not only among the three but also among most of the GLR countries.

In the case of Uganda, the country was fighting an internal insurgency Lord Resistance Army led by Joseph Koni and at the same time was allegedly supporting the Sudan Peoples' Liberation Army led by the late John Garang.[239] On its part Kenya's internal political situation was not conducive because the then President Daniel Arap Moi's regime was under severe pressure from both internal political opponents and external critics. The use of force to suppress opposition movements led to condemnations from western powers.[240]

Apart from political stability, Tanzania had an added advantage of having general amicable relations with the two East African neighbors. Uganda and Kenya had their own mistrusts and several times had engaged themselves in a war of words. For example, President Moi blamed his Ugandan counterpart of supporting MWAKENYA, a group of his opponents, by providing it with arms while Kampala blamed Nairobi for obstructing transport of Ugandan commercial goods on the

[239] Aning, K, Addo, P,Birikorang,E & Sowatey, E. (eds): African Commitments to Conflict Prevention and Peacemaking. A Review of Eight NEPAD Countries, African Human Security Initiative[S.I].2004, pp.21-48
[240] Ibid p. 22

Mombasa transport corridor.[241] Of more significance, however, was the fact that the two countries supported opposing political factions in Burundi and Rwanda.[242] Another reason worth of mentioning is Tanzania's proximity to the conflict and that of having for decades hosted refugees from Burundi.

3.4 Tanzania's Role in the Burundi Peace Process

Defining roles played by different actors in conflict resolution has recently not only become a tradition but also an unavoidable exercise. This is so not even because of theoretical needs and imperatives of the discipline of conflict resolution but for both practical as well as functional reasons. Conflict resolution mechanisms do not only involve major protagonists but also attract various external players for different reasons, and with varied interests.

The external players, sometimes referred to as external interveners, are those who are either affected by and/or related to the conflict. These are mainly neighbouring states, or former colonial powers. Regional bodies have also become more active as conflict resolution becomes increasingly 'locally focused'. The above parties may engage themselves either in their individual capacities or in the form of regional initiatives such as ECOWAS, Southern Africa Development Community (SADC) and Intergovernmental Authority on Development (IGAD) or continental bodies like AU and European Union or/and through other multilateral organisations like United Nations.

In addition, as it will be elaborated in chapter four, big powers have often been associated with the various efforts of conflict resolution either as guarantors of the settlement or supporters of post conflict peace building. Thus big powers have proved not only influential in resolving conflicts but also to be critical in implementation of agreed settlements. The various actors noted above perform different roles either by being chosen to mediate or just being observers who avail themselves to offer their services, be it material or expertise to the process. In some cases, they offer incentives to parties in an attempt to lure them to reach the settlement by way of promises of aid and support. But it is also true that sometimes they use 'threats' to parties who seem adamant to accept a compromise.[243]

The Burundi peace process too, as argued recently like other peace processes, has involved various players. There were Non-governmental Organizations (NGOs), multilateral organisations, countries which acted on their own individual capacities, others in a collective capacity like

[241] Baynham, S. "Kenya: Prospect for Peace and Stability" in Conflict Studies No. 297.Research Institute for the Study of Conflict and Terrorism, London. March 1997, pp.15-19
[242] Ibid.
[243] Use of threat in mediation is another subject of debate and had even led to some conflict resolution experts refer to them as power mediation as opposed to pure mediation in which, in essence, is purely based on persuasion. For discussion on this read Smith, J "Mediator Impartiality: Banishing the Chimera" in Journal of Peace Research, Vol.31, No.4 1994. pp.445-450

regional initiative, and others represented by the respective organisations. Despite being driven by different motives and having various interests to pursue, their ultimate aim was to have the conflict resolved and their interests realised whenever possible. This chapter focuses only on Tanzania's role and the roles of other actors will be dealt with in the next chapter.

Tanzania's interactions with other players and actors within the Burundi Peace Process were at two levels namely; the summitry and the host of the negotiations. The Summitry normally comprised Heads of State and Government of the Regional Initiative that was originally constituted by heads of Uganda, Kenya, Tanzania, Rwanda and the DRC. Zambia and South Africa joined the Regional Initiative later. As host of the negotiations Tanzania had to interact with other players such as representatives and/or special envoys of the multilateral organisations namely the UN, the OAU/AU, the EU and special envoys of individual countries such as the United States and France.

This latter category of players participated in the negotiations. Their presence, as intimated earlier, had enormous influence and impact on the peace process and the peace negotiations in particular.

States when interacting are in constant pursuit of their national interests. In the case of Burundi Peace Negotiations, both states and non state actors had their own individual interests to pursue. They did so directly or indirectly. In doing so they were bound to clash as each pursued its interests using its preferred and chosen strategies. Tanzania as a host had to play a balancing act. This did not become any easier with the frequent involvement of new players.

Tanzania as host had to ensure the protection of all participants and provide proper facilities. It however did not have adequate resources, to host the peace process; hence it had to solicit support from the rich West and multilateral institutions.

In the process of hosting the peace process, the neutrality of the country was questioned as it was accused of being pro-Hutu. The country was further accused of dominating the peace process. It is important therefore to properly establish Tanzania's role in the Burundi peace process.

There are two approaches in understanding Tanzania's role. The first is that of concentrating on purely conflict resolution methods by examining different functions performed by different players in the process as provided in the study's conceptual framework. The other method is by using Tanzania's foreign policy as an instrument which sets goals and objectives on one hand, and which identify and rationalise its relations with other countries on the other hand. The two, however, complement each other. Below are detailed explanations of the two approaches.

3.4.1 Conflict Resolution Approach: A Tool to Study Tanzania's Role in the Burundi

Peace Process

When reviewing literature on conceptual framework, in chapter one, it was argued that different terms are used in conflict resolution to describe or define the role played by a third parties. However, according to the reviewed literature, it was observed that those differences were of more academic and merely for satisfying the theoretical needs of the discipline because practically there exists no fundamental differences between them. What is empirical that might be considered as a 'difference' is the stage at which a third party is involved and the degree of function (s) to which a third party performs.

This study has adopted the mediation framework and distinguishes three stages namely: the pre-negotiation, mediation and post mediation. In between these stages, terms like good offices, intermediaries, facilitation and mediation are familiar. All third parties involved in those stages work as go-betweens with the only objective of reducing hostilities and assisting the parties to reach a solution to the conflict. The study, therefore, will identify Tanzania's role in both phases. It is within this framework that Tanzania's role should be identified.

Facilitation denotes a perpetual role in organising and sustaining dialogue whereas mediation signifies the management of the dialogue.[244] These roles (functions) can be performed by one or two officially appointed mediators or by different people or institutions. In other mediation processes these roles are performed by different players, however the fact remains that they both complement each other.

In the Burundi case, the mediation process was carried out at two levels: the official appointed mediator, who was assisted by a team of professionals and other supporting staff, and the summitry that provided 'political leadership'. Both levels worked together and complemented each other.

The political level performed mediation and facilitation functions by providing leadership to the mediation process and, more importantly by acting as troubleshooters and by intervening when the negotiating parties reached a stalemate. They played the role of go-between and engaged parties in more harmonious relations, maintaining and enhancing confidence amongst parties to the conflict and between parties and their mediator.

Tanzania was part of the decision-making process as well as the implementation of the decisions made by the Regional Initiative. On the other hand, it had to make frequent interactions on behalf of the Regional Initiative with the rebel groups because of the positive contact and influence it had had

[244] Hume, C.: Ending Mozambique's War: The Role of Mediators and Good Offices , United States Institute of Peace, Washington, D.C. 1994, p. 26

on them. Tanzania's positive influence on the rebels emanates from the fact that most of the rebel leaders lived in Tanzania where they were given asylum and also felt that Tanzania was genuinely sympathetic to their plight. Having lived for long in the country they had built confidence with the Tanzanian leadership.

Besides, Tanzania played host to the peace process. Playing host is attached to many roles and responsibilities. These included providing venue and conference facilities, resources and above all ensure security of all parties to the negotiations. Although various countries and institutions contributed to the process, Tanzania's contribution was enormous.

Providing ideal venue and enabling environment is one of the keys to the success of any negotiations. It motivates the negotiators, boosts their morale and consolidates their confidence. Indeed, the government supported and provided all necessary resources to the first mediator Julius Nyerere and the institution he was working with- the Mwalimu Nyerere Foundation.

The President of Tanzania Benjamin Mkapa had to play host to the head of states and government during negotiation summits and as the Vice chairperson of the Regional Initiative on Burundi, he was thoroughly engaged in mediation process by providing guidance and assisting Burundians to reach a peaceful settlement.

Tanzania's roles were critical due to the central position it occupied in the conflict and its resolution. Hosting the peace process was one, but most importantly was the question of refugees. In the peace negotiations the refugee question was not only one of the very important but also controversial issues. As noted elsewhere in the previous sections, thousands of these refugees have been living in Tanzania for decades. There was, first the question of their repatriation. Second, there was the allegation that these refugees were recruited by rebel groups and trained within refugee camps in Tanzania.

Related to the allegations above was that those rebels were launching their attacks against Burundi from Tanzania. These allegations made Tanzania to maintain the permanent suspicion of the administration and security forces' complicity with Hutu rebels.[245] This led to the perpetual accusations against Dar es Salaam from Bujumbura which strained relations between the two neighbours. The allegations will be elaborated later in this chapter. Notwithstanding these allegations, Tanzania's role was considered crucial as identification and association of the rebels who were ready to support the peace process could only be conducted in Tanzania as the quoted report (in footnote 244) asserts.

[245] International Crisis Group, Central African Report No. of 14 May 2001 p. 30

3.4.2 Foreign Policy: A Tool Defining Tanzania's Role in Burundi Peace

Process

This perspective sees Tanzania's role in peace making as a moral obligation, emanating from being part of a larger global human community. Furthermore, being a signatory and active member of the United Nations and the African Union, its participation in peace process was mandatory. Tanzania, in addition, is a founder member of SADC, the brainchild of Frontlines States Organisation which was a regional body set to counter against destabilisation of southern African states by the apartheid regime.

SADC has its own unit of mechanism on conflict resolution, which members including Tanzania, agreed upon its implementation. Worth mentioning here is Tanzania's subscription and commitment to the New Economic Partnership for Africa's Development (NEPAD) initiative which acknowledges the potential of Africa's own collective efforts in resolving its conflicts and fostering development for its people. In unison, these set up the stage in defining Tanzania's role not only in resolving the Burundi conflict, in particular, but also its role in conflict resolution in Africa in general.

Tanzania's foreign policy guides the country's participation, on the one hand, by affirming its full support of the efforts at preventing, managing and resolving inter and intra-state conflicts. On the other hand, offering to coordinate collective regional action in preventive diplomacy and, where necessary, in peacemaking, peace building and or peace keeping.[246]

Against this background, the critical roles played by Tanzania during the peace process have been, first, giving the issue of Burundi conflict its deserved attention to strategic stakeholders, namely, the UN, the continental and the regional bodies. Secondly, using its experience it solicited diplomatic support for the process of peace in Burundi, the refugees and the internally displaced Burundians. Thirdly, Tanzania has been coordinating efforts in securing peace in Burundi. For instance, during its tenure as Chair of UN Security Council in February 2006,[247] it prioritised issues of peace and security, and underscored the need for increased collective efforts from both regional actors and United Nations in addressing conflicts in the continent.

In fact, Tanzania's foreign policy strategy to engage external actors in the Burundi peace can also be interpreted as a strategy to foster its national interests through the resolution of the Burundi conflict. Why does the study suggest so? The study has agued before that Tanzania's response to Burundi's conflict was due to, among others things threat to its national interests. If one takes

[246] United Republic of Tanzania, New Foreign Policy, Ministry of Foreign Affairs and International Cooperation, Dar Salaam, Government Printer, Dar es Saalaam,2001
[247] Tanzania assumed Presidency of the United Nations Security Council in January 2006

Touval's assertion that mediation can be used as a foreign policy instrument[248], one can therefore assume that, on one hand, Tanzania used mediation of Burundi conflict as an instrument to further its domestic goals. These are among others; achieving domestic stability, stable peace as well as improved and sustainable economic growth through investment.

On the other hand, the strategy was aimed at securing regional stability which provides her an alternative venue to pursue both domestic and foreign policy goals and objectives. It can be further suggested that it was Tanzania's strategy to seriously engage in mediation process in order to maintain its diplomatic image as well as preserve its well established political and diplomatic influence in the region vis a vis South Africa's emerging regional hegemony.

3.5 The Role of Tanzania in the Post Arusha Accord

As illustrated in chapter two, the signing of the Burundi Peace and Reconciliation Agreement in Arusha on 28th August 2000 marked the beginning of the implementation phase of the peace process. Two main issues were very important to Tanzania-the refugees and the rebels. The repatriation of refugees which was part of the Implementation led to the signing of the tripartite agreement between the governments of Tanzania and Burundi and the United Nations High Commission for Refugees (UNHCR). This resulted in the repatriation of most of the refugees from Burundi.

The agreement also provided for the ceasefire negotiations between the government of Burundi and the rebel groups. Tanzania has provided and helped to support the mediation team to persuade the rebels to negotiate. The outcome was the ceasefire agreements and integration of the rebels into the Burundi political system. During the discussion on ceasefire negotiations in chapter two, it was elaborated how different actors including Tanzania contributed to the conclusion of ceasefire agreements between the Transitional Government and the rebel movements. The following quote sums up what Tanzania has been doing during post Arusha accord:

Tanzanian government is undoubtedly the regional trustee for the application of the Arusha accords; it has done everything in its power since 1 November 2001 to force rebels to accept the Arusha Accord[249]

Generally, there are a number of issues that need to be addressed in understanding Tanzania' role in the Burundi peace process. These are the entry of Nelson Mandela as facilitator and the shift of venue from Arusha to Pretoria; Tanzania's neutrality and its non support of Buyoya's military regime.

[248] Touval, S. "Mediation and Foreign Policy "in International Studies Review,Vol. 5, no. 4, 2003, pp.92-94
[249] ICG Report No.46, 24 May 2002 Op Cit p.21

3.6 From Nyerere to Mandela: Pretoria vs. Arusha Does Venue matter?

When Julius Nyerere, the pioneer of the Burundi peace process died, Nelson Mandela succeeded him. His nomination, at the eighth Great Lakes Region Summit on Burundi in December 1999, was a relief not only to some personalities within Burundi, but also other stakeholders beyond the conflict's main protagonists.

The Tutsi extremists, including the then incumbent Burundi President Major Buyoya, believed Nyerere and Tanzania were favoring the Hutu. Thus, immediately after Nyerere's death in October 1999 in London's St Thomas Hospital, the Burundi leader launched a diplomatic offensive against any appointment of a Tanzanian to succeed him. It is indeed, a fact that Buyoya had even preferred a change of venue for the negotiations from Arusha.

The Bujumbura regime preferred South Africa's involvement in the negotiations to balance the Regional Initiative which was seen as being more sympathetic with Hutu's demands which was detrimental to the Tutsi interests.[250] Furthermore, South Africa would not only balance the power equation but also would secure a guarantee against the alleged 'intended' use of force by the region and specifically Tanzania, which threatened to do so.

For the western powers, Nyerere's death was a blessing, because he never entertained any undue interference in his mediation work, something unfamiliar and unused to those countries. His uncompromising stand created enemies within the circles of the peace process mostly among influential western powers and led to 'apathy' in supporting the process.[251] It was noted earlier that Nyerere had decided, from the very beginning, that his facilitation should not be under one state or state organisations so that he could be freer in his decision. This however, never spared him from such undue interferences. To other regional states, they thought, his death was an event which provided an opportunity to change what was perceived as 'Tanzania's domination' of the process.

Therefore the arrival of Mandela (and South Africa for that matter) was seen as a break through from both Nyerere's 'arrogance' and Tanzania's monopoly of the peace process. This gave impetus to the Burundi peace process as support became easily available. It also made Mandela to be seen like messiah who had brought the 'healing' word from God to save the peace process.[252]

The entry onf Mandela in the Burundi negotiations, gave South Africa an opportunity to expand and enhance its influence in the region in the name of furthering NEPAD's goals and objectives-its brainchild. However, with the appreciation of decades of strong relations and support availed by

[250] For discussion on this see 'The Mandela Effect: Prospects for Peace in Burundi', International Crisis Group Central Africa Report No.13, April 18,2000
[251] Nkurunzinza et al.
[252] See "The Mandela Effect: Prospect for Peace in Burundi " ICG Central Africa Report No.13, April 18,200.pp i-ii

Tanzanians and their government during the struggle against apartheid, Mandela bravely tried not to create a situation which would seem to deviate from his predecessor and of course harm the said relations. In his February speech he remarked that when some participants recommended that the process should be moved to South Africa: "I said no. As a matter of respect to Mwalimu, let us continue the process in Arusha and let keep the entire facilitation team".[253] Arusha thus remained the main venue for the negotiations until an agreement was reached in August 2000.

However, South Africa, being more capable in terms of resources than any other country in the region, its superfluous generosity to the peace process, including hurriedly pioneering sending troops to Burundi on behalf of the AU, could be interpreted as a tacit maneuver to outshine Tanzania and strengthen its influence in the region.

After the signing of the Peace Accord on 28 August 2000, Mandela passed on the mediation baton to the South African Deputy President Jacob Zuma. The latter unsuccessfully tried to move the remaining negotiations process to Pretoria-his likely motive being that of reducing Tanzania's influence on the rebels which was perceived by some, including himself to be 'negative'.[254] While this did not succeed, it should not be surprising that a number of subsequent meetings, as noted above, took place in South Africa. The proposed shift of venue from Tanzania to South Africa was seen by the Regional states as an attempt to rob them of their initiative. The rebels objected to shifting of the venue because they were suspicious that South Africa was pro-Tutsi.

South Africa's involvement in the Burundi peace process was not well received in the sub region. There was fear that South Africa would use the opportunity to penetrate into the sub-region politically and economically. Naturally, for a country like Tanzania, which had for a long time exercised strong political and diplomatic influence in the sub-region, the coming of South Africa meant that such influence was open to challenge. Tanzania's influence was bound to suffer given South Africa's economic and military strength and its aggressive search for regional hegemony. This became apparent, as intimated earlier, when South Africa sent troops to Burundi on behalf of the AU to allow the start of a transitional period.

As it was recently stated, Tanzania's involvement in the facilitation and mediation of the Burundi Conflict was marred by two controversial issues. These were 'biasness' or lack of neutrality and the threat to use the military to solve the conflict. The two issues have attracted opposing views from both the main protagonists in the conflict and conflict resolution experts. This was because the former attracted both theoretical as well as practical examinations whereas the later was more of an opinion. The two are discussed below.

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[253] Address by HE Mr Nelson Mandela to The Summit on Burundi Peace Negotiations on 21st February 2000, Arusha Tanzania

[254] "Burundi: Country Report " The Economic Intelligence Unit Ltd, February 2003 pp.32-36 see also web http://www.eiu.com

3.7 Tanzania's Role and the Issue of Neutrality

Neutrality or impartiality in conflict resolution is considered by many authors as central. That is, a third party must be neutral so as to be able to mediate without bias. However, some authors have a different view claiming that neutrality or impartiality is not a necessary condition for one to be an effective mediator. One pertinent issue surrounding these two views is that of the 'interests' of the third party to a conflict. It is argued that when a third party has interest or is to benefit from the outcome of mediation, it can lead to bias. However, as discussed in the first chapter, perceived 'biased' mediators too can lead to a successful mediation.

Tanzania was perceived to be 'biased' during the Burundi peace process. The allegations of 'biasness' came from two sources. The first was from the Tutsi-dominated government under President Buyoya. The Tutsi regime accused Tanzania and Mwalimu Julius Nyerere in particular of being pro-Hutu. This was, however, Buyoya's political gimmick and one of the strategies by the Tutsi government to derail or even reject peaceful negotiation of its conflict with the Hutus.

As the International Crisis Group (ICG) commented, the more the Burundi government felt itself to be in a hostile environment the more it maneuvered to win time and block any possibility of a real political compromise.[255] Its rejection of Nyerere's mediation allegedly of being pro Hutu and Tanzania's alleged support of rebels as host of peace talks was a technique of buying time to prolong the conflict anticipating that by doing so the regional leaders would relax the sanctions. This implied also that Buyoya was not sure of his future as Burundi President that is why he was dragging his feet with the regional leaders.

This is true because initially Buyoya made several visits to Tanzania nudging Mwalimu to assist him and his fellow countrymen to solve their problems.[256] He even visited Butiama to meet Mwalimu and Buyoya also supported his appointment during a speech in New York.

Buyoya's anticipation was that, first, Mwalimu would treat his regime more kindly and listen to what the regime thought was right. Secondly that Mwalimu would come up with 'a makeshift solution' which would assure him of his position as used to happen to incumbents in other conflicts in the continent. This would allow Buyoya to consolidate his power through the army and weaken his opponents through manipulation. But when it was clear that Mwalimu would not accord him any special treatment he started accusing him of biasness and impartiality.

[255] ICG Report Op. Cit
[256] Interview with Ambassador Charles Sanga Op. Cit

Secondly, there were those who claimed that Tanzania was an interested party to the Burundi conflict, because it hosted refugees, majority of whom were Hutus. In view of this position, it was most likely Tanzania would be sympathetic to the Hutus plight.[257] This sympathetic stance was from the way Tanzania opposed military action against the rebels. The fact of the matter, however, was that she was against any rush or quick solutions to the Burundi conflict. It preferred a more comprehensive solution which would lead to a durable peace and stability in Burundi. For example, in 2001, when the mediating team and some members of the Regional Initiative were contemplating forceful action against the rebels, Tanzania "remained the only main opposition of this option"[258]

Tanzania's approach to the conflict in Burundi was geared to bringing a more positive solution which was possible only if the fundamental problem was addressed. That is, equal access to political, economic, military and social structures to all Burundians. This was only possible and viable under power-sharing arrangements of the central government. This was the only way that would make the Burundian refugees return home. This would relieve Tanzania of the problems associated with refugees; the economic burden of hosting them, the political and social tensions created by their presence and the threat to national security and stability. This would also allow it to mend its relations with its neighbors, particularly Burundi and, give it more freedom in managing and conducting its foreign relations in the region.

Tanzania was indeed affected by the conflict in Burundi. But what Tanzania really wanted was to bring about peace in Burundi and this made her as an honest broker. Robert Rauchhaus posits that: "understanding mediator's motive is a key to determining whether incentives exist for a third party to tell the truth and serve as an honest broker".[259] Besides as noted by Kristine Barseghyan and Zainiddin Karaev's, a third party with a genuine interest in peace and stability in the conflict, country or region may be effective in resolving the conflict.[260] Tanzania's perceived 'biasness' never turned into direct support of rebels' military activities.

As several reports note: "there has never been any proven training or arming of fighters by Tanzanian government"[261] and "no credible confirmation of Tanzania's logistic support or direct involvement in the [rebels'] operations".[262] One thing to note is that Tanzania throughout the crisis continued to respect and work with Burundi regime despite the feelings that the regime was oppressive to the Hutus. As argued by James Smith "mediator in this case, then, while being partial

[257] Interview with Dr Bismarck Mwansasu co-editor of Beyond Conflict in Burundi and also was part of the facilitation team to Burundi Peace Negotiations. Interview conducted on 20 July 2006. He claimed that this position was upheld by what he referred as Cape Townian school of thought led by Jan Van Erk
[258] International Crisis Group, "Burundi Hundred Days to put the Peace Process back on Track" ICG Report No. 33,14 August 2001.p.5
[259] Rauchhaus, R. "Asymmetric Information, Mediation, and Conflict Management " in World Politics, A Quarterly Journal of International Relations Vol.58,No.2 January 2006,
[260] Barseghyan and Karaev, Op. Cit. p.200
[261] ICG Report No.33 Op.Cit p.22
[262] Ibid

towards one party in terms of feelings or emotional attachment, is nevertheless trusted to be impartial towards the issue of a settlement"[263].

One has also to ask the following question on 'biasness' as did Chip Hauss. Can we truly be neutral if one of the parties to a divorce physically abuses the other? Although Hauss uses divorce mediation, the same can as well be used in the case of the Burundi conflict. Who would not be sympathetic with the Hutus in this world if one really understands their plight at the hands of the Tutsi regimes in Burundi? Hauss gave an example of South African mediation soon after Mandela's release. He said although it was clear that their professional job was to reduce tensions but: "could only be done as part of their equal commitment to ending apartheid".[264] This was also the case with Tanzania in the Burundi conflict.

Hauss' conclusion on biasness is that: "there is no way [mediators] can be neutral except under very unusual circumstances"[265] and adds that: "there are times mediators are morally obliged to take a stand"[266] That is why even Mandela who was mainly regarded as impartial by some quarters was sympathetic to the Hutu plight and denounced Tutsi monopoly of power and suppression of the former. As Bentley and Southall summarise the view of the two facilitators: "both Nyerere and Mandela viewed the Burundian conflict in quasi-South Africa terms, with Tutsi being cast in the role of the white oppressors and Hutus in that of oppressed blacks"[267]

Perhaps this difference in approach is attributed to the background of parties and their perception of the conflict. To Tanzania, the Hutu were victims of systematic oppression from the Burundi government which is dominated by the Tutsi. Consequently, therefore, the rebels had a right and genuine course. From this perception, the issue of the rebels in Burundi was not different from other peoples' struggles which Tanzania had supported and even fought for. It should also be noted that Tanzania had a better knowledge and experience of the Burundi conflict. Firstly, it has been dealing with that conflict for more than four decades and secondly the conflict was one of the two critical issues that dominated relations between the two countries as early as the 1970s.

3.8 Was Tanzania Favouring a Military Option against Military Regime in Burundi?

One of the controversial issues in Tanzania's participation in the Burundi peace process which was from time to time raised by some players including Major Buyoya was that of Tanzania's

[263] Smith, Op. Cit p.448
[264] Hauss, C. "Beyond Neutrality: A Review Essay " in OJPCR : The Online Journal of Peace and Conflict Resolution 6.1 Fall 2004 pp. 298-299 web source www.trinstitute.org/ojpcr/6_1hauss.pdf accessed on 12 December 2006
[265] Ibid
[266] Ibid.
[267] Bentley & Southall Op.Cit p. 75

favouring a military option against the Bujumbura regime. This was also associated with the perceived Tanzania's anti- Buyoya and pro-Hutu positions. It has been important for this study to make sense out of these allegations and provide a proper perspective.

From the coup d'etat of October 1993 to 2000, Burundi was marred by indiscriminate killings and abuse of human rights by the government forces with the assistance of its extremist allies.[268] The tension was so high and the authorities in Bujumbura were under pressure from both human rights and humanitarian organisations as well as from regional and international organisations to stop killings.

At the same time, the government was facing intense pressure from rebels who were attacking government strongholds and trying to establish themselves inside the country. As Frederick Ehrenreich notes: "since early 1995, Hutu insurgency has grown from mere nuisance to a full civil war".[269] Within this period rebels who were earlier mostly operating in the North West province had not only managed to raid Burundi capital but also launched attacks in the south. It should also be noted that, Buyoya was facing more pressure as his support within Tutsi was decreasing because among them they thought he was unable to safeguard their interests.

Under pressure from both rebels and international Organisations, the military government launched attacks against NGOs providing humanitarian services to the victims particularly in the rural areas. It accused them of assisting the rebels with arms to attack government points. According to Human Rights Watch, the government through state radio accused relief organisations of excessively helping Hutu or even with actually providing arms and funds to the Hutu rebels.[270] The report further noted the increased attacks and threats on vehicles, offices and residences of international relief organisations.

To make matters worse, the Bujumbura authorities amassed its forces along the borders with Tanzania and created an atmosphere of insecurity. This was exacerbated by the reports that there was a call within military and civilian extremists in Bujumbura to launch attacks against refugee camps in Tanzania. It is, however, believed that the call was abandoned after considering far

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[268] Sullivan, D. "The Missing Pillars: A look at the Failure of Peace in Burundi through the Lens of Arend Lijphat's Theory of Consociational Democracy" in Journal of Modern African Studies, Vol.43, No.1, 2005 pp.75-76. See also " Burundi Emptying the Hills: Regroupement in Burundi" Amnesty International Report, Vol. 12, No.4 (A) June 2000 http://hwww.hrw.org/reports/200/burundi2/, also "Forced Relocation: New patterns of Human Rights Abuses" AFR 16/019/1997 15/1997 http://www.web.amnesty.org/ai.nsf/index/AFR160191997

[269] Ehrenreich, F. "Burundi: The Current Political Dynamic" US Department of States web source http://www.usip.org/burundi/burehrem.html 19th April 2000 accessed on 9 December 2006, see also "Burundi rebels hit Capital" www.bbc.co.uk/2/hi/africa/1718122.stm Tuesday, 18 December 2001 accessed on September 2006, also "Burundi rebels attack military base " in www.bbc.co.uk/2/hi/africa/1321705stm Wednesday, 9 May 2001.Accessed on September 2006

[270] Human Rights Watch: Burundi Human Rights Report 1999. Web sourced. http://www.hrw.org/worldreport99/Africa/Burndi.html accessed on 28 November 2006

reaching political, diplomatic and economic effects as well as the ability of the Burundi Armed Forces (FAB) to sustain Tanzania Peoples' Defense Forces (TPDF).

Burundi was to adopt the strategy once used by Rwandan armed forces when they attacked Goma refugee camps.[271] Of course, Tanzanian authorities had to respond to these, by reinforcing its defence along the border.[272] One should not be surprised by Tanzania's decision since during the same period, the region was also facing serious insecurity because of the war in DRC.[273] Many rebels and firearms were moving from one point to another within the region. Moreover, security wise, Tanzania could not brush away Burundi's threat fearing the repeat of the 1973 incident.

It should be noted here that during this period, Tanzania had twice blocked arms to Burundi.[274] The regime in Burundi was badly in need of arms as the insurgents had intensified their attacks and also the government was on the verge of strengthening its army by recruiting new soldiers to repel the rebels. This also angered the authorities in Bujumbura.

The accusations were, therefore, first, a strategic invention of Buyoya's propaganda machine and his allies designed to deflect the attention of local and international community from its internal situation by creating an atmosphere of sour-relations with Tanzania. Secondly, it was retaliation over Tanzania's decisions to block its arms. To achieve this, Buyoya applied a strategy of undermining Tanzania's reputation. This was done, as stated above, through border provocations to which Tanzania reacted. Then Burundi would use this to justify its allegations that Tanzania wanted to invade it.

The regime further launched a diplomatic offense against Tanzania by claiming that it was assisting the rebel forces to attack its forces inside the country. Burundi was, in several occasions, quoted blaming Tanzania of fueling the civil war by letting rebel forcers based in Tanzania to attack it.[275] This fueled a war of words and increased tension between the two countries. Bujumbura's worst diplomatic campaign against Dar es Salaam was that of implicating Tanzania in the killing of two UN officials by claiming that they were killed by the rebels who had crossed to Burundi from Tanzania. Tanzania had to write to UN Secretary General to deny any responsibility of the attack[276]

This infuriated Tanzania, because a sizeable part of the international community seemed to be sympathetic to Burundi's allegations. This was considered as a big humiliation in the eyes of

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[271] For discussion on this issue see ICG Report, No. 13, 18 April 2000. Op. Cit
[272] For detail of such insecurity see ICG Report No.12 November 30,1999 Op Cit pp.23-24
[273] See Human Right Watch. "Burundi Human Rights Development" 1999. Web source http://www.hrw.org/worldreport99/africa/burundi.html see also another report http://www.hrw.org/wr2k1/africa/burundi.html
[274] ICG Report No.12 April 2000 Op. Cit p.19
[275] See "Burundi blames Tanzania for attacks" in BBCNEWS http://news.bbc.co.uk/2/hi/africa/2127487.stm Sunday July 14,2002 accessed on 12th December 2006, see also "Tanzania is not Helping Burundi Rebels, Says Kikwete" in The East African, Monday, May7 2001 web source www.nationaudio.com/News/EastAfrican/20052001/Regional/Regional14.html accessed 22 February 2007. See also ICG Report Brief African Paper, 6 August 2002 Op.Cit p. 11
[276] ICG Report No. 12 op. cit p.24

Tanzanian leadership as well as to the majority of Tanzanians. While this was happening, the government was already under pressure from the parliament on how it was handling the refugee issue to the detriment of the welfare and security of those living in the areas hosting refugees. As recently mentioned, there was also a growing public opinion against the continuing hosting of refugees. Under such circumstances, the Tanzanian government responded by adapting to 'hard talks' than the usual 'soft talks' and clearly wanted to be exonerated from these allegations.

In May 2001 President Mkapa rebuked the UN Security Council delegation- on fact finding mission in the Great Lakes Region, when, during discussion, the latter advanced Bujumbura's sentiments. He stated that if the international community felt that Tanzania did not live to its expectations in handling the Burundi refugees, why should they not offer the same solution to the Burundi refugees as they did in Bosnia by creating 'safe havens' within Burundi.[277] This would relieve his country of this burden of both hosting refugees and condemnations from unfound allegations.

During the same occasion, Mkapa never hesitated to tell the delegation that his country was considering repatriating all refugees from Tanzania, citing growing anger, even within religious leaders, towards the refugees[278] as well as the fading of support by the international community.[279] Clearly angered by these allegations, the President reiterated at a Great Lakes symposium that his country was no longer prepared to host more refugees from internal conflicts. He claimed that his country had hosted refugees for decades and had often paid dearly for what he called a 'humanitarian' gesture in terms of security, economic and social development and in terms of strained in relations.[280].

Furthermore, it appears that the Burundi authorities had interpreted the sanctions imposed by the Regional Initiative to be solely the work of Nyerere and Tanzania. The sanctions had negative effects on it in terms of the economy, they affected production, especially for brewery due to lack of fuel to generate electricity.[281] They also affected coffee export. In the wake of all this, the business put pressure on the regime and declared: "they can not survive without opening the Tanzania

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[277] State House Statement the Press 23 May 2001
[278] Report of the Security Council Mission on the Great Lakes Region,15-26 May,2001 p.11
[279] On the issue of fading support to refugees, President Mkapa used his Annual address(January 2002) to the Parliament where he accused the international community for letting refugees issue in poor countries in Africa as that of refugees and hosting countries. He cited how refugees in Europe such as of former Yugoslavia who were easily given an average of USD 120 per refugees as opposed to USD 35 to a refugee in Tanzania.
[280] Mkapa's speech at Great Lakes Region Symposium op cit
[281] Marley, A. "Integration of the army forces and Demobilization of Excess Combatants in Burundi: A conceptual Analysis " web source http://www.usip.org/grants/burundi/burmarley.htm visited on 19 April 2005

border".[282] On the rebel side the sanctions provided recognition, in particular for the CNDD, by the international community as Burundi's most powerful opponent and key to peace settlement.[283]

What should be noted here is that Tanzania became a victim of circumstances as the success of the implementation of the sanctions mainly depended on the behavior of its authorities. Burundi relied on Tanzania for its transportation of goods. Therefore, strict adherence to sanctions fell on Tanzania. In doing so Bujumbura took the decision to a level of individual states. Instead of seeing itself opposed to the Regional Initiative, it saw itself as being at war with Tanzania. .

This hate attitude by the Burundi government was also exacerbated by the pressure put by the Tanzanian government to accelerate the repatriation process of the Burundi refugees. Since majority of refugees were Hutu, this was probably interpreted and taken as yet another tactic by the Tanzanian government to oust the Tutsi-led government in Burundi. This was because of the fact that if more Hutus were to return to Burundi, it meant more votes to pro-Hutu parties and, hence, less chances for Tutsi parties to win the elections.

When Mandela concurred with the rebels' view on political prisoners in Burundi and made a statement against Buyoya and his government,[284] Buyoya regarded the issue as Tanzania's propaganda and Hutu political parties. But the worst came when Buyoya, after February 2000 summit in Arusha, was quoted castigating Mandela as having "a simple view of Burundi problem".[285]To Buyoya and his Tutsi government Tanzania became synonymous with Hutu parties and, hence, provided a bogeyman to defend his atrocities.

The military action against Bujumbura regime was also associated with Tanzania's internal political developments at that time as the country was heading for the general elections in 1995. This was particularly on the part of the ruling party's candidature for those elections. It was alleged that one of the presidential hopefuls from the ruling party who was holding a key ministerial post was behind the idea of military action which was against the view of the incumbent President Benjamin Mkapa. These rumors, however, could not be substantiated as it never resurfaced either in

[282] Ibid
[283] Ibid
[284] Mandela's accusation against Buyoya see Mandela address to the Burundi Peace Consultation Meeting in Arusha 27 March 200, see also IRIN News "Burundi: Mandela raps Buyoya over political prisoners " 1 April 2000 quoted when talking to a group of Parliamentarians in United Kingdom. See IRIN Update 867 for the Great Lakes Region. Nairobi 7 April 2000 A web source http://www.reliefweb.int/rw/rwb.int/AllDoocsByUNID/C97d70599bc02fbc8525688e00559de5 Accessed on 15 January 2007

[285] "Buyoya unhappy with Mandela's grasp of issues" IRINNEWS, 23 February, 2000.See IRIN Update 899 for the Great Lakes Region A web source http://www.reliefweb.int/rw.nsf/o/adf00364a8b12108852568ba00740baz?OpenDocument&click= .Accessed on 15 January 2007.
as cited by ICG Report "Mandela Effect: Prospect for Peace in Burundi" No.13, April 2000 p. 27

the ruling party official meetings or within government machinery. This is notwithstanding its appearance in reports of some international organisations.[286]

From the above discussion, it can be concluded that Tanzania had the intention to invade Burundi and unilaterally to topple the Tutsi led government nor was it in favor of any military action against the rebels. This is not only because that was against its belief in a peaceful resolution of conflicts but also because it acknowledged the consequences such an action might have to its society as it has been the case in recent conflicts in the region. However, it is a fact that the environment was created to allow such speculations.

3.9 Lessons from Tanzania's Involvement in Burundi Peace Process

Many lessons can be drawn from Tanzania's experience during its participation in the Burundi Peace Process. These lessons are both of theoretical and practical nature. On theoretical part, the threat to the national interests is vital for the external players to intervene in other states' internal crisis. Refugees posed a security threat to Tanzania. As former US President Ronald Regan concluded somewhere "as number of refugees generated by intrastate conflicts increases, the third parties are more likely to intervene".[287] The same was the case with Tanzania and other regional states. The Cable News Network (CNN) effect has also proved irresistible to the government when the effects of the crisis hit the local media.

Another lesson is that national interests shape the way external players perceive conflict in other states. Relating to this is the question of how these interests influence the way those players perceive the solution to the said conflict. Indeed, Tanzania's hosting of the peace negotiation and also providing the facilitator created a theoretical challenge on how Nyerere could be separated from the government which he had served as president. The same could be posed to Mandela's mediation, was it Mandela's or the South African government?

The other lesson that can be learnt is that the perceived 'biasness' in facilitation or mediation cannot be an obstacle to resolving conflict as discussed in the theoretical part of the study. However one thing needs to be reexamined. That is what constitutes (defines) interests of third party to a conflict and how can this prevent the third party to mediate or facilitate in conflict. Some stakeholders opposed Tanzania's facilitation in Burundi Peace Negotiations by alleging that by hosting refugees it is an interested party. But the main interest of Tanzania was to achieve comprehensive peace in Burundi because the conflict was affecting its society.

[286] ICG Report No.13 April 2000 Op.Cit. p. 23.See also Burundi: Country Report Economic Intelligence Unit Limited 2003 Op. Cit.
[287] Regan (1998:772) as quoted by Balch-Lindsay & Enterline Op.Cit. p.618

On the practical side, Tanzania's involvement created a lot of practical lessons in conflict resolution in the region and the continent in general: firstly, the challenge to balance the country's interests with that of the region. Secondly, the proximity factor and historical relations which were cut off by the colonial boundaries still hold grips in conflict situation. The case of Hutu refugees who seek asylum in Tanzania whenever there is crisis in their country is part of the historical legacy between the people of these two countries. This creates uneasy relations between Burundi and Tanzania. The question of hosting refugees and allegations of supporting them to overthrow their government is applicable to many conflicts in the continent. Thirdly, the question of capacity to provide and to deliver in the conflict resolution proved vital. The case of South Africa outshining Tanzania in the peace process as seen before was mainly because of the ability of the former to materially and logistically support the process unlike Tanzania which had limited resources.

3.10 Conclusion

We have shown in our study that Burundi and Tanzania have had historical relations which can be traced back to the long distant trade in the seventeenth century. These relations have been brotherly and cordial. However due to persistent civil conflicts in Burundi manifested in the form of ethnic violence, the relations between the two countries at a certain stage were lukewarm. This was because of the presence of Hutu and moderate Tutsi refugees in Tanzania who formed the bulk of rebels who fought against their government. This analysis answers the study's first question which was 'what have been the relations between Burundi and Tanzania overtime? (from independence to date).

We have also in this chapter revealed the thrust of Tanzania's involvement in Burundi peace process by demonstrating that the conflict had inflicted negative political, economic and social effects. That is, the conflict was threatening its domestic political stability, disrupting economic development and creating social problems on the one hand and causing diplomatic mistrusts between Burundi and Tanzania on the other hand. The latter was damaging Tanzania's reputation in the international sphere. These findings answer the second question of our research which set to establish why and how Tanzania has been at the centre of the peace process.

It has been also shown that Tanzania played many roles during the peace process. These include; mediation and facilitation roles, playing host to negotiations as well as hosting Burundi refugees. The study has found that the significant role played by Tanzania was determined by the country's desire to safeguard its national interests which were threatened by the conflict in the region, Burundi being its epicenter. This finding proves the study's main hypothesis that Tanzania's involvement was prompted by the threat posed by the Burundi crisis to its national interests.

In addition, the intensity of its involvement and the critical roles it has played were influenced by both the magnitude of the effects the crisis had inflicted on the Tanzania society and the proximity factor to the conflict. On the negative side, the conflict inflicted negative political, economic and diplomatic effects. The conflict also caused insecurity and social disruption in the areas which were hosting refugees.

Likewise the proximity factor put Tanzania at the centre of conflict and prone to their effects which motivated it to act and treat the issue as a matter of great concern. While protecting its national interests was primary to its involvement, the factors which determined its roles were established during the study. These were relative peace in comparison to other Burundi neighbours, proximity to the conflict area and its historical contribution to the liberation movement and conflict resolution in the continent. These findings here provide the answer to the third research question which was 'what is the role[s] of Tanzania in Burundi peace process and what factors determined such role?'.

The study noted that the change of mediator from Julius Nyerere of Tanzania to Nelson Mandela of South Africa did have impact on Tanzania's role in the peace process. The facilitators had different status in terms of executive powers. While the former was a retired president, the later was a serving president. Such a difference implies that facilitation of President Mandela had directly involved the government of South Africa whereas in Nyerere's facilitation, Tanzanian government involvement only came in indirectly. That means it was easy for President Mandela to impose the will of his government in the peace process, something which was not easy to Nyerere. This gave President Mandela the means and power to manipulate the negotiations by imposing conditions and also provide for resources to effect what he wanted the parties to adhere to.

Indeed, it was assumed that the struggle between the two countries surfaced when Mandela took over from Nyerere. This assumption was portrayed by the way some officials within and out of the peace negotiations and South African government made efforts to reduce the influence of Tanzania in the negotiations. This was however unsuccessful because of both Mandela's disagreement and general prevailing conditions surrounding the peace negotiations.

In this case, the change of mediator did affect Tanzania's influence at a certain stage of the peace process particularly during the first year of Mandela's facilitation. However, Tanzania's influence during the post Arusha Agreement regains its earlier significance as its role in ceasefire negotiations proved not only critical but also indispensable. This answers another research question which was whether South Africa's and Mandela's involvement affected Tanzania's role in the peace process.

CHAPTER FOUR

THE ROLE OF OTHER ACTORS

4.0 Introduction

Having discussed the role of Tanzania in the previous chapter, this chapter examines and discusses the role of other actors in the Burundi Peace Process. The aim is to establish whether they contributed or not to the facilitation of the peace process. The actors are divided into four groups, namely the NGOs, the United Nations and other European states, the AU – the formerly OAU and its Regional Initiative for Burundi. The rationale behind such a grouping lies in the fact that these actors grouped together mostly had either shared ideas and strategies or operated within a unified framework and in collective efforts.

It is argued that after the collapse of the Berlin wall which marked the end of the cold war, internal conflicts had marred most parts of the globe, Africa being one of the most devastated regions.[288] Parallel to this, is the assumption that conflicts in Africa have been allowed to run their violent course due to the major powers' fading interests on the continent. The reason of this is partly, as Newbury puts it, that "most of the areas seen as lacking strategic importance in global economy".[289] As a result of this, there has been a growing unwillingness and reluctance among those powers to commit resources in resolving conflict in Africa.[290]

Whether this is a fact or not, what is evident, however, is that the post cold war period has necessitated the continental body - the AU as well as its member states to rethink their roles in resolving conflicts on the continent and hence the OAU Cairo's Declaration of June 1993 that led to the establishment of the Mechanism for Conflict Prevention, Management and Resolution (MCPMR)[291]

The Burundi conflict was unique in that it attracted attention from almost all corners of the world.[292] There are a number of explanations for this. One is the fact that the post cold war era opened up a free judgment of events without fear of hurting an ally or allies. This resulted in the global media condemnation of the events in Burundi. Two was the assassination of the democratically elected president through a coup d'etat which was regarded as a 'thing of the past'

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[288] El Amin, K. "Eastern Sudan Indigenous Conflict Prevention, Management and Resolution Mechanisms" in African Security Review, Vol. 13 No.2 2004, p 7

[289] Newbury, D. "The Crisis of the Great Powers in the Great Lakes Crisis" in Canadian Journal of African Studies, Vol.33, No.2/3, 1999,pp 675-676 Special Issue: French-Speaking Central Africa: Political Dynamics of Identities and Representation. Web source : http://www.jstor.org/ accessed on 30th July,2006

[290] Spears, I. "Debating Secession and The Recognition of New States in Africa" in African Security Review Vol.13 No. 2,2004,

[291] Declaration of The Assembly of Heads of State and Government on The Establishment of Mechanism for Conflict Prevention, Management and Resolution. 29TH Ordinary Session, Cairo Egypt 28-30 June 1993

[292] Lemarchand, R. "Genocide in the Great Lakes: Which Genocide? Whose Genocide?" in Journal of African Studies Review Vol. 41, No.1, April 1998, p.10

and hence intolerable. Three was the Rwandan genocide which could have been replicated in Burundi given the same ethnic composition. Fourth, which is related to the above is what Wohlgemuth described as a self criticism among international organisations and major powers after the Rwandan genocide of 1994.[293] He agues that their failure in Rwanda led to increased number of initiatives in order to prevent escalation of the Burundi conflict.

Fifth, the elections which led to the civil government had brought to an end decades of ruthless military rule which had resulted in the death of hundreds of thousands and sent millions into exile. The 21st October event of overthrowing the government and killing the President reversed the gains of a painful reform process in which the world had participated. The global community thus reacted in anger at the events in Burundi and also went on to find a solution. Below various global actions in the Burundi conflict are examined in some detail.

4.1.0 Regional Initiative on Burundi

This, as noted above was the initiative of the Burundi's neighbors and initially included Tanzania, Uganda, Kenya, Rwanda and the DRC. This was later expanded to include Zambia and South Africa. An analysis of the Regional Initiative is done under three phases. The first phase runs from 1993 to 1996. The second phase is that of the period of the Burundi Peace Negotiations starting with the 31st July 1996 Arusha Summit and ends with the signing of the Agreement on 28th August 2000. The third phase is the implementation phase that started in 2000 and ended in September 2006.

4.1.1 The Period between the Coups - 1993-1996

During this phase, the Burundi situation was very complex politically and security wise. First, there was the question of succession of the president after the killing of president Ndadaye and many members of his cabinet. It took quite some time before a successor could be named and installed. The successor, however, died in a plane crash in April 1994. The new president, Sylvestre Ntibantunganya's powers were curtailed by the Tutsi - dominated military council. As discussed in chapter two, this made him ineffective and created a power vacuum resulting to the return of Buyoya into power.

[293] Wohlgemuth, L.: NGOs and Conflict Prevention in Burundi: A Case Study in African Development, Vol. XXX No.1 & 2, 2005 p.187 Council for the Development of Social Research in Africa, 2000. A web source http://www.codestria.org/links/Publications/ad1_05/lennart.pdf accessed on 4 March 2007

Secondly there was a rejection of any external military presence in Burundi.[294] This precluded external military involvement. Third was the negative impact of the Rwandan genocide to Burundi which generated fear of a possible repeat of the genocide in Burundi. Fourth was the indifference in the understanding of the conflict between most of African states and the Western states. This worsened the situation in that the regime took advantage of this to thwart any effort directed at bringing about genuine peace. The Banyamulenge rebellion in Eastern Zaire and the subsequent external invasion of the countries only complicated the situation as the conflict spread in the Great Lakes Region.

It should not be surprising that regional action was more or less sporadic during this period. The Tunis and Cairo Summits under the initiative of the Carter Centre helped to give focus to the regional efforts and to the appointment of Mwalimu Nyerere as facilitator.[295] His initial facilitation efforts culminated into the party talks dubbed Mwanza I and Mwanza II discussed in chapter two.

4.1.2 The Period after 1996 Coup and Mwanza I & II Party Talks

While the coup appeared to have been anticipated, it was a blow to the ongoing efforts[296] to resolve the conflict. A regional summit was immediately held on the 31st of July 1996 in Arusha, Tanzania to discuss the coup. The summit was attended by the Heads of State and Government of Kenya, Tanzania, Uganda, Rwanda, the then Zaire and Ethiopia which was the chair of OAU. The Summit first denounced the coup, condemned the assassination of President Ndadaye and ordered the restoration of the dethroned legitimate elected government.[297] Moreover, it called for the return of law and order and supported for multilateral military intervention to avert chaos. To assure the putsch leaders in Burundi that the Regional leaders were committed to what they had decided, they imposed sanctions on Burundi as a means of enforcing the set benchmarks.

This was the first time that African leaders openly condemned a coup d'etat and acted in unity against coup leaders. This turn around was first of all necessitated by the security situation within the region which was, at that time considered very fragile due to the DRC and Rwandan conflicts. Secondly, the Burundi problem had become a decades - long liability to the region and

[294] UNHCR "Burundi: Update to End June 1996 " WRITENET Reports, 1 July 1996.Web source http://www.unhcr.org/cgi-bin/texis/vtx/print?tbl=RSDCOI&id accessed on 12 May 2006 see also Stephen Weissmen "Preventing Genocide in Burundi: Lessons from International Diplomacy", United States Institute of Peace. Peaceworks No.22 July 1998 p.14
[295] The Carter Center, "Regional Initiative Launched to Tackle Great Lakes Crisis" 2 December 1996. A web source http://www.cartercenter.org/news/documents/doc197.html accessed on 26th February 2007
[296] These included efforts by Regional leaders, the UN, OAU and other players
[297] Maundi (2004) Op Cit pp.305-307

consequently, the Regional leaders were tired of the unending coups.[298] Thirdly, as mentioned previously, with the global adoption of plural political systems, military regimes had ceased to be neither acceptable nor tolerable.

Mwalimu Nyerere summarises Africa's changing perception of coups when he comments on the summit that imposed sanctions on Burundi by saying that "leaders in the region are absolutely united on this ...the leaders who met in Arusha were really saying to the military in Burundi 'we can no longer accept military rule in our borders'... this is a major change in the continent"[299] It can therefore be summed up that it was a combination of a series of events which created an atmosphere of solidarity within regional leaders.

Burundi's reaction to the sanctions was as expected. It condemned the sanctions and the country's Prime Minister described them as "illegal, unjust and biased"[300] and on negotiations, Buyoya strongly opposed it and told the visiting delegations of foreign ministers from the Regional Initiative it could not do so "while there was a noose [sanctions] around his neck".[301]

Four regional summits were held between August 1996 and February 1998 to discuss and review the situation in Burundi with the aim of establishing a framework for peaceful negotiations. The sanctions were gradually relaxed with Summit III starting with fertilizers and vegetable seeds and next were the items considered 'to ease' suffering of the common people.[302] These were lifted during Summit IV. This was a result of the military regime's response by allowing political parties to operate and to have the National Assembly restored although both were unable to function.

Critical also during Summit IV, which was held in Dar es Salaam in September 1997, as mentioned in chapter two, was the facilitator Mwalimu Nyerere's offer to resign from his duties and the Tanzanian government's proposal of change of venue for the peace negotiations. The Summit rejected both the resignation of Mwalimu and the change of venue.[303] Accepting the two would have been interpreted as bowing to the military regime in Burundi, which had been vigorously campaigning for the change of facilitator and venue. This led to the resumption of preparations for peace negotiations that started in Arusha in June 1998.

Sanctions were suspended during the Dar es Salaam Summit of 24th January 1999.[304] This was a result of both external factors as well as relatively 'good response' from the military government as

[298] Ehrenreich, F. "Burundi: The Current Political Dynamic" US Department of States. A web source: http://www.usip.org/burundi/burehrem.html accessed on 19 April 2000
[299] Hunter- Gault ,C. Interview with Mwalimu Nyerere's Interview, Online News Hour: December 27, 1996 Op.Cit
[300] "Weekly Roundup of Main Events in the Great Lakes Region 14-21 October 1996" IRINNEWS .A web source http://www.africa.unenn.edu/Hornt/irin_102296html accessed on 20 January 2007
[301] Ibid.
[302] Hyera, A. Op.Cit p.60-61
[303] University of Pennsylvania-African Studies Centre Op. Cit
[304] "Economic sanctions against Burundi suspended" African Recovery, Vol 12 April 1999 sourced from web http://www.un.org/ecosocdev/geninfo/afrec/subjindx/124sanc.htm accessed on 2nd March 2007

indicated above. The external factors were mainly pressure from the Western countries and the decreased lack of consensus on the same within members of the Regional Initiative.

As days passed by, the West waged constant pressure against sanctions and openly criticised the Regional Initiative over sanctions. France denounced the sanctions way back in March 1997. During the Kampala summit of June 1998 where President Buyoya attended, the EU, the US and Belgium called for the removal of the sanctions.[305] Within the region, Kenya had earlier expressed its doubt on the sanctions and unilaterally removed measures against commercial transport of fuel and allowed Kenya Airways flights to Bujumbura in June 1997.[306] It was the same to the DRC which claimed, later the same year that "it could no longer close its borders to commercial transactions with Burundi".[307] It was therefore apparent that soon after the Kampala summit, sanctions would be raised.

The suspension of the sanctions was variably interpreted. It was interpreted to mean that the sanctions had failed in that they had not produced the intended results. Although the military regime had responded by allowing political parties to operate and to have the National Assembly restored, both were unable to function.

On the other hand, it was interpreted that the neighboring countries' commitment to sanctions had always been doubtful. What is important here to note is the fact that the imposition of sanctions against the military regime in Burundi was a total rejection of military rule on the continent which not only opened a new page but was also a milestone in the management of African international relations.

The period we have here reviewed can be regarded as a foundation phase to real peace negotiations which is referred to in conflict resolution as the pre negotiation phase. According to Maundi, the phase involves creating conditions for entry into the negotiations by both the mediators as well as parties to the conflict.[308] The following is the examination of the second phase.

4.1.2.1 Summit Mediation August 1998-August 2000

From the start of the Burundi Peace Negotiations to the signing of the Arusha Peace and Reconciliation Agreement in August 2000, about eleven Regional summits were convened. The summit as noted above provided the political leadership for the peace negotiations. This involved resolving the frequent huddles to the peace process and the peace negotiations. These summits can

[305] International Crisis Group, "The Road from Arusha " ICG Report No.2 July 1998. A web source: http://www.crisisgroup.org/home/index.cfn accessed on 20 March 2007
[306] Interpress Services "UN says Regional Sanctions on Burundi have failed". A web source http://ww.globalpolicy.org/burundi2.htm accessed on 3rd March 2006
[307] Ibid.
[308] Maundi (2000) Op Cit p 95

be seen as part and parcel of the mediation process. They consulted parties collectively or assigned one or a group of them to consult on behalf of the summit.

The Heads used mediation tools like offering incentives to parties to accept the proposal or even used threats to make parties accept the proposals. As a matter of fact, due to the nature of the conflict and characters of the major protagonists, these summits sometimes acted as power-balancing mechanisms among the parties in the negotiation process. Indeed, they ensured and enhanced confidence building among the parties particularly those perceived or considered to be 'weak'.

4.1.3 The Implementation Phase: From 28 August 2000 to September 2006

The signing of the Arusha Accord marked the beginning of a long journey of peace building in Burundi. The work of the Regional Initiative did not end but continued with the implementation of the peace agreement. The summit had to ensure the outstanding issues left out of the agreement were settled as envisaged in the agreement. The Regional Initiative had also to facilitate and monitor the setting up of the Transitional Government and the negotiations for the ceasefire.

The mediation team under chief mediator, South African Deputy President, Jacob Zuma continued with the task of conducting ceasefire talks. When Zuma was fired from office, the country's Minister responsible for Safety and Security Mr. Charles Nqakula took over from him. The Regional Initiative continued with its mediation role by engaging the parties to negotiate and also dealing with difficult and controversial issues which cropped up during those talks. It continued to provide guidance to the mediation team and necessary input when needed. As a result, ceasefire negotiations were finalised and agreed upon as discussed in chapter two.

4.1.5 Regional Peace Initiative: An Evaluation

While it was true that the security concerns were the major reasons for the regional leaders to establish the Regional Initiative on Burundi crisis, there were differences between them. Apart from common security issues, other interests divided the members, a fact which was reflected in how decisions were reached and implemented. Within the security paradigm, members differed on what constituted security threat.

As discussed in chapter three, for example, Tanzania conceived the conflict as a security threat in a broader perspective which encompassed its economic interests, political stability, and spread of arms which had tremendously increased incidents of armed banditry, and pressure on local resources as a result of increased number of refugees.

There were also periodic 'security alliance' among members of the Regional Initiative partly because of the changing conflict scenarios in the region.[309] For example, during the Rwandan crisis, President Mobutu of the then Zaire allied with the French-backed Habyarimana's government to repeal RPF incursions into Rwanda. On the other hand, Uganda and Burundi offered logistic support to RPF which mounted a conventional war against Habyarimana's government. Later on Uganda and Rwanda, under PRF government invaded Zaire to oust President Laurent Kabila whom they had previously supported. The situation was more complicated as conflict continued in the DRC, the rift between Kabila on the one hand and Kagame and Museveni on the other hand, led the former to retaliate by supporting groups fighting Burundi's government. Kabila allowed the rebel groups to operate within DRC and offered the needed support.

It appeared that such alliances and conflicts of interests at the level of security, as argued before, made some countries, particularly the leaders in this case, to indulge in their own approaches to conflict resolution mechanisms. The reference here is made to what is referred to as the Museveni military dictums "fight and negotiate and negotiate and fight". This is not a surprise to a military leader such as Museveni who himself fought guerilla war for years. The same applies to his "allies" who both came to power by force.[310].

At the centre of the Regional Initiative, there was also a feeling that some countries wanted to influence the outcome of the negotiations. That is, some of Burundi's neighbours wanted to ensure that any new government in Burundi would not support their opponents both politically and militarily. This was because of the pertaining conflict environment in the region which, for example, Sudan and Uganda governments supported each others opponents whereas the DRC supported Rwandan rebels.

Rwanda's main concern was on the political formula for power sharing. This was because of the similar ethnic setup with Burundi. Rwanda thus preferred a solution that would not disturb its political ethnic arrangements. So this made the Rwandan approach to the Burundi negotiations to be strategically cautious and, sometime, very inward looking.

Apart from the security perception of the conflict and conceptualisation of its resolution, members within the Regional Initiative had different interests which made others less concerned or not committed to Regional Heads decisions. For example Kenya and the DRC which unilaterally decided not to adhere to the embargo against Burundi. Furthermore, it was alleged that Kenyan

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[309] Jan Van Eck "Burundi Report" 9April 1999 p.7 A web source http:///ccr.uct.ac.za/archives/Burundi_reports/burrep-april99.html accessed on 28 February 2007. See also Malan, M "Peace Promotion in the Great Lakes Region: Regional and International Responses to Conflict in the DRC". A published Monograph No.50, Franco-South African Dialogue, Sustainable Security in Africa. August 2000.

[310] for discussion of characteristics of Great Lakes Regional Leadership see article by Jan Van Eck "Trends, Characteristics and Alternative Ways of Resolving Conflicts " a paper presented at a conference on The Great Lakes Crisis, Johannesburg sourced from web http://ccrweb.ccr.uct.ac.za/burundi_reports/greatlakes-feb99.html

President Daniel Arap Moi boycotted September 1997 summit in Dar es Salaam and unleashed accusations against members of the regional initiative of "demanding tough measures against Burundi which they then failed to enforce".[311] It was obvious that Kenya's ambitions were more inclined to its economic interests.

In spite of this, the Regional Initiative demonstrated African leadership's readiness to face the challenge of conflict resolution in the continent. It showed its concerns on the plight of its people which the leadership had lacked for decades. This was attributed to both the realisation that peace and stability is important for the continent's development and the growing indifference on the part of major powers in solving African conflicts.

The Regional Initiative's sanctions, as we have seen before, may be considered to have failed but a fair judgment could be "[sanctions] were not able to reverse the coup ...but did increase pressure to reach the negotiable settlement".[312] On the political and diplomatic front, it was a litmus test for African solidarity. It was an experience which provided African leadership a sense of clear judgment of issues and an opportunity to show its commitment to its decisions. Though initially curtailed by a lack of outright support from the West, it had decided the continent's destiny. The initiation and sustaining of the regional initiative was instrumental in bringing more actors in the process which the latter played critical role during the transitional period and after. The discussion now moves on to the role of OAU/AU in the Burundi peace process.

4.2 OAU [and AU] Involvement in the Burundi Peace Process

The October 1993 coup d'etat and the killing of president, Melchior Ndadaye caught the OAU by surprise. As we have see the continental body, like other players, also condemned and disapproved the coup. The then OAU Secretary General declared "[the coup] unacceptable…the will of the people [can

not] fall victim to the power of the gun".[313] Burundi became the first challenge for the continental body's MCPMR.[314] The besieged civilian government requested for military assistance/protection from the OAU.[315] The OAU responded by establishing African Mission in Burundi (AMIB) with an initial 47 personnel. The OAU also attended the first Summit of the Regional Initiative on Burundi.

[311] University of Pennsylvania –African Study Centre. Op.Cit See also Interpress Service Dec.1997 Op.Cit and ICG Report No.2 July 1998. Op.Cit
[312] Prendergast, J & Smock, D "Post –Genocidal Reconstruction: Building Peace in Rwanda and Burundi" Special Report No.53 15th September 1999. A web source http://www.usip.org/pubs/specialreports/sr990915.html.addressing accessed on 25th February 2005
[313] Maundi (2004) Op.Cit p.307
[314] Organization of African Unity, Declaration of the Assembly of Heads of State and Government on the Establishment within OAU of Mechanism for Conflict Resolution, Management and Resolution. 29th Ordinary Session in Cairo, Egypt, From 28-30 June 1993. A web source http://www.africa-union.org/official_documents/Headsofstates accessed on 22nd November 2006
[315] Maundi (2004) Op.Cit p.307

During the Summit, the Burundi leadership presented again the request for military support to assist in the deteriorating security situation. The request was accepted but as previously noted there was a very strong objection inside Burundi.[316]

Since the outbreak of the crisis, OAU targeted its efforts in defusing tension, promoting dialogue, and supporting determination and efforts of the democratically elected government to promote the restoration of democratic institutions in Burundi.[317] In doing so it was compelled also to seek external diplomatic support and resources.

In April and June 1994 the OAU Secretary General headed the Council of Ministers delegations to Burundi to assess the situation and put pressure on the parties for political solutions to the problem. Following these visits, the Council of Ministers at its June 1994 session reiterated its strong support of the Convention of Government and called for all political parties and other groups, in particular, the military and security forces in the country to work together for its full implementation for the restoration of peace and security in Burundi.[318] The Council of Ministers called upon the member states and the International Community to encourage, promote and support elements of moderation in the country and do everything possible to isolate and neutralise elements of extremism, to disown and disband the militia in Burundi.[319] The mandate of AMIB was extended for three more months and its personnel increased from 47 to 67 officers after an earlier mandate had expired on the 17th June 1995.[320]

The 20th Ordinary session of MCPMR held in July 1996 in Ouagadougou, Burkina Faso, strongly supported the Cairo and Tunis summits held under the auspice of the Cater Centre and the decision of the Regional Summit held in Arusha on June 25, 1996 and reiterated during the 64th session of the Councils of Minister's meeting held in Yaoundé Cameroon from 1st to 5th July 1995.[321]

The 32nd Session of The OAU Summit in Yaoundé held from 8th to 10th July 1996 passed two main resolutions. Resolution number 2 noted the fact that the OAU's concerns and efforts in Burundi, as well as those of the countries of the region, can in no way be considered as an interference in the internal affairs of Burundi, but flows from a fraternal and genuine concern to prevent yet another African tragedy of epic proportions and similar to those witnessed in Rwanda in

[316] Maundi. Ibid
[317] Organization of African Unity, Resolution on Burundi CM/Res.1487 (LIX), passed by The 59th Ordinary Session of Council Ministers ,Adis Ababa , 31st January to 4th February 1994.
[318] Organization of African Unity, Resolution On Burundi CM/Res.1582(LXII) passed by The 62nd Ordinary Session of Council of Ministers, Adis Ababa 21st to 23rd June 1995
[319] Ibid
[320] Ibid
[321] Organization of African Unity, Resolution on Burundi, CM/RES.1649(LXIV) passed by The Council of Ministers 64th Ordinary Session, Yaoundé July 1-5 1995

1994.[322] Resolution number 4 supported the request by the government of Burundi for security assistance in order to complement and reinforce the Peace Talks. On 26 July 1996 the military staged a coup and installed Pierre Buyoya as President.

The continental body through its organ MCPMR reacted swiftly to condemn the coup[323] at its extraordinary session held at Ambassadorial level in Adis Ababa on the 27th July - just a day after the coup. The session threatened "to impose sanctions and isolate" the regime while reiterating the organisation's and the continent's 'resolve to oppose strongly illegal change of power'[324] in Burundi. The sanctions however came four days later from the Regional Initiative Summit that met on the 31st July in Arusha.

From this time onwards the OAU efforts were closely linked with those of Regional Initiative where close contacts and collaborations were maintained. In spite of keeping its office in Bujumbura, OAU closely followed the matter and engaged itself with other players within and outside the continent to find the lasting solution to the conflict. When the Arusha Peace and Reconciliation Agreement was signed, on 28 August 2000, AU continued to be part and parcel of the implementation process of the accord. It continued its collaboration with various players to the realisation of the two outstanding issues namely the transitional government and the ceasefire between transitional government and the rebel groups.

In July 2002, when the negotiations between the transitional government and the rebel groups were not making headway, it conducted massive diplomatic campaigns to persuade the rebels to seriously negotiate the ceasefire agreement. When the two rounds of talks between the rebels and the government took place in Dar es Salaam on 12-16 August and 18-26 September, AU made a constructive contribution which resulted into the signing of MoU between the government and CNDD-FDD, the faction of John Bosco Ndayikagerukiye.[325]

Furthermore, during 18th Summit of the Regional Initiative held in Dar es Salaam between 6th and 7th October, the AU was represented by Ambassador Said Djinnit Ibrahim – interim Commissioner for Peace, Security and Political Affairs. The Summit was very instrumental as it worked out the strategy to pressurise the main rebel groups-CNDD-FDD Nkurunzinza and PALIPEHUTU-FNL Aghaton Rwasa to negotiate and conclude a ceasefire agreement with the transitional government.

On the ground, the AMIB, among others, continued close contacts with other players within and outside Burundi to exchange views on how best to go about the talks and as far as possible soften the parties' positions. AMIB played an active role in ceasefire negotiations and closely involved in

[322] Organization of African Unity, Resolution on Burundi. AHG/Res.257(XXXII) passed by The Assembly of Heads of States and Government at its 32nd Session in Yaoundé, Cameron 809 July 1996
[323] Maundi (2004) Op.Cit p.321
[324] Ibid.
[325]Organization of African Unity, Report of the Interim Chairperson of the Commission of the African Union on the Situation in Burundi. Central Organ/MEC/AMB/4(LXXXVI) p.5

UNHCR activities.[326] Between July and October, the AU special representative in Burundi had audience with the transitional President and his Vice President.

Besides, in support of the transitional government and the implementation of the Agreement, AU had expedited Observer Mission to Burundi sanctioned by the 88th Ordinary Session of the Central organ held on 14 January 2003 and 91st Ordinary Session of 2nd April 2003. In addition, in November the same year, AU took part at the Donner conference on Burundi convened in Geneva, Switzerland.[327]

As the delay of the deployment of the UN Peacekeeping forces was envisaged in the Ceasefire Agreement of 7th October and 2nd December 2002, the AMIB mandate had to be extended twice to facilitate the implementation of those agreements.

The continent's efforts in the search for peace in Burundi demonstrated yet a continuous change in African leadership style. Resolution of Burundi crisis was a challenge to this change. First, it showed a growing sense of responsibility among African leaders in attending to African conflict problems. Secondly, the crisis revealed an unraveled resolve and commitment of African leaders of riding the continent from unending deadly conflicts. The political will is always there but is traumatised by the continent's lack of resources to perform conflict resolution undertakings hence reliance on foreign resources. This unfortunately led the OAU/AU activities in Burundi to depend on donations from the developed world. In this regard, even its role in the post-conflict peace building in Burundi has been minimised as it was forced to ask the UN to take up its activities. All in all, the continental body has made a name of itself that it is ready for a change and takes the challenge of political dispensations and of conflicts in Africa.

4.3 UN Involvement in the Burundi Peace Process

The United Nations is the body charged with the maintenance of peace and security globally. Chapter VII of the UN Charter mandates the United Nations Security Council (UNSC) to take appropriate measures when the imminent threat to international peace and security is obvious. [328]

The UN immediately condemned the military for overthrowing the legitimate government and assassination of President Ndadaye. The Secretary General sent his Undersecretary James Johan to Burundi (from 27 to 29 October 1993) to assess the situation. After receiving his report which included a request from deposed Burundi's Prime Minister for peacekeeping force, the UN

[326] Ibid
[327] Ibid p.5
[328] Also see chapter I of the UN Charter Purposes and Principles as well as chapter V Security Council Functions and Powers

appointed Ahmed Ould Abdallah[329] to lead a team tasked to find a political solution to the Burundi conflict. On 16 November 1993, the Security Council reiterated its condemnation of the abrupt and violent interruption of the democratic process initiated in Burundi and demanded the immediate cessation of acts of violence.

The UN efforts between 1993 and 1994 proved not only very crucial but, indeed very fruitful. In collaboration with the OAU and the regional efforts, it succeeded in decreasing political tension and, to some extent, reducing violence. Among the remarkable success was the creation of a conducive environment which led to the successful election of the new President Cyprian Ntaryamira later in January 1994 and the inauguration of a civilian government in February. When President Ntaryamira died in a plane crash the UN team was able to successfully spearhead the creation of the Convention Government[330] which later paved the way for the election of President Sylvester Ntibantunganya in September the same year.

The convention Government, however, later became a liability. A critical examination on the Convention Government reveals a number of weaknesses. First there was lack of a comprehensive political and security evaluation.[331] This led to a lack of proper conceptualisation of the conflict scenario. Furthermore, the agreement for the convention government completely changed the 1993 political mandate set by the election.[332] This led to conflicts, rifts and squabbles within Hutu parties which further weakened the Convention Government.

When the UN political initiative failed, the political and security situation in Burundi continued to deteriorate. The situation was more complicated following the events in Rwanda which spread into Burundi itself as well as into the then Zaire. The situation worried the UN, and it started contemplating a military option.[333] This consideration was mainly necessitated by its inaction in the Rwandan crisis. In spite of constant calls, the UN ignored the situation and let killings to unabatedly take place. However, as it was in the Rwandan case,[334] the key players, the US and France, frustrated the UN's decision to send a peacekeeping mission to Burundi. Though the two had not vetoed it, they never gave it the necessary support. Under such circumstances, the UN circumvented its efforts in establishing a small mission in Burundi and liaising with OAU mission which comprised a military component.

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[329] Abdallah was a former foreign minister of Mauritania
[330] Weissman,Op.Cit p.7
[331] Ibid
[332] Ibid.
[333] For detail analysis see Weissman Ibid
[334] During Rwanda crisis UN pulled most of its small peacekeeping force out shortly after genocide started. The US, Britain and France lobbied against reinforcing the UN presence. For details see "Ex-Rwanda PM reveals genocide planning" article by BBC web source: http://news.bbc.co.uk/2/hi/africa/3572887.stm visited on 29 November 2006

Between August 1995 and October 1996, the UNSC passed several resolutions on Burundi which underscored the world body's commitment in achieving peace in Burundi. Among these were, Resolution S/RES/1012(1995) which requested the Secretary General to urgently establish an International Commission of Inquiry which among others was to establish the facts relating to the assassination of the President of Burundi on the 21st October 1993, the massacres and other related serious acts of violence which followed. [335]

Resolution S/RES/1040 (1996) first acknowledged the continued deteriorating situation in Burundi and the threat that the situation posed to the stability of the entire region. In view of this, the Security Council resolved to remind the authorities in Burundi of their responsibility as far as security of international personnel and of refugees and internally displaced persons was concerned.[336] The council indeed expressed its readiness to consider imposition of measures under the charter of the United Nations, including a ban on the supply of all arms and related materials and travel restrictions and other measures against those leaders in Burundi who continue to encourage violence.[337]

In the addendum of the Report of the Secretary General on the situation in Burundi of October 1996, issued on 2nd November, the Secretary General highlighted the danger of the new developments in eastern Zaire to make the situation in Burundi, where civil war and ethnic conflict continue, become a secondary issue.[338] This however never received the anticipated result as the war in Zaire changed the attention of the major players following the huge humanitarian and security impact the latter had on the region.

After the failure of its political initiative, which was led by the Secretary General's special representative, though not the only one to have failed, the UN efforts like those of others were geared to prevent killings and other ethnic related violence and encourage parties to negotiate the solution to the conflict. And in this case, when peace negotiations started, the UN actively participated and collaborated with the Heads of the Regional Initiative as well as the AU providing necessary assistance to the process. These included expertise in various fields on issues which arose, assisting and engaging parties during negotiations, coordinating and rallying efforts in the sourcing of resources.

After the successful signing of The Burundi Peace and Reconciliation Agreement, the UN became part and parcel of the implementation of the Agreement. The Secretary General sent a multidisciplinary assessment mission in Burundi between 16th and 27th February 2004 to conduct

[335] United Nations ,Security Council, Resolution S/RES/1012(1995) adopted at its 3571st meeting on 28th August 1995

[336] United Nations, Security Council, Resolution S/RES/1040 (1996), adopted at its 3623rd meeting on 29 January 1996
[337] Ibid.
[338] United Nations, Security Council. Report of the Secretary –General on the Situation in Burundi, Addendum S1996/887/Add.1 2nd November 1996

appropriate preparatory work and assessment on how the UN might provide the most efficient support for the full implementation of the peace Agreement. Following this mission's report, under Chapter VII the UN Charter, the Security Council in its Resolution 1545 of 21 May 2004, established the United Nations Office in Burundi (ONUB) in order to support and assist the Burundians to comprehensively implement the Peace and Reconciliation.[339]

The office had close working relations with the Regional Initiative, the AU and the facilitator-South Africa in securing a smooth transitional period and conclusion of ceasefire agreements between the government of Burundi and the various rebel groups which were not part of the Arusha Agreement.[340] The office indeed coordinated and provided abundant support on the national elections marking the end of the transitional government.

In one of its major decisions on Burundi, the United Nations Security Council, later in May, accepted the recommendation that it should deploy troops to Burundi and made announcement that from 1st June 2004 the AMIB would become UN troops.[341] In this regard the number of troops would be increased to around 5600.

When the Mandate of ONUB expired on 31st December 2006, the Security Council through its resolution 1719 of 25 October 2006 established the UN Integrated Office in Burundi (BINUB)[342] which is headed by the Executive Representative of the Secretary-General. The office stated operation in January 2007.

Burundi became the first country to benefit from the UN Peace Building Fund following the declaration of its eligibility on 13 October 2006.[343] This followed the meeting between the Secretary-General's acting special representative for Burundi Nureldin Satti and the Peace Building Commission. The fund will support various programs including good governance, strengthening of the rule of law and ensuring community recovery.

Burundi conflict has yet exposed the world body's inherent conflict of interests among its permanent members of the Security Council. When Burundi really needed the support it deserved from the UN, the latter did not come with all its potential at its disposal to support it. All the Secretary General's intended plans at the height of the crisis namely military assistance failed

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[339] United Nations, Report of the Secretary-General on Burundi. 16 March 2004. A web source http://daccessdds.un.doc/UNDOC/GEN/No.4/269/25/IMG/No.426925 accessed on 12 January 2007

[340] Ibid

[341] International Crisis Group, 'Fin de Transition au Burundi: Franchi le Cap" Africa Report No.81 July5,2004 p.iii [in French]

[342] The office main task is to coordinate the United Nations Common Action Plan for Burundi geared to the realization of the Arusha Peace and Reconciliation Agreement. For details of areas of activities see United Nations, Security Council. Resolution S/2006/842 of 25th October 2006 web source: http://daccedds.un.org/doc/UNDOC/GEN/NO6/582/01/PDF/N065820.pdf. accessed on 15th January 2007 p.14

[343] Ibid. p. 6

because it lacked diplomatic as well as political support from the United States and western countries led by France.[344]

With the strong international pressure, willingness and commitment to act was necessary, the United Nations opted for short term political solutions which ultimately failed as discussed previously. However, after this failure, the UN overwhelmingly supported the Regional Initiative and other players until the signing of the peace agreement. As guarantor of the agreement, the UN plays a central role in implementing the agreement in particular and the post conflict peace building activities in general.

In Burundi itself, the work of the United Nations was affected by lack of security. This made it to depend heavily on the government forces for its security.[345] As a result heavy presence of the former in the work of the UN made the people suspect the UN's activities.

4.5 Non-governmental Organizations

Of late, the involvement of NGOs in conflict situations has not only become significant but has also taken a new turn. Those which were traditionally dealing with relief services have now moved from merely being the instruments of providing relief services to the victims of conflicts to having become part of the instruments of conflict resolution. There has arisen a type of NGOs which engage themselves in human welfare in the form of promoting democracy and conflict resolution. Such NGOs have increasingly become acceptable and have successfully won the confidence of the conflicting parties. These NGOs, have sometimes successfully managed to achieve positive results. In the context of the Burundi conflict three NGOs were involved though in varied degree, namely; The MNF, The Carter Centre-named after the former US president Jimmy Carter and The Saint 'Egidio - a catholic mission based in Rome. The three institutions engaged themselves in different levels as well as with different conceptualisations of the conflict and thus influenced their approaches to its resolution. The contribution of the MNF was dealt with in chapter two. Below the study examines the role of other two NGOs.

4.5.1 Saint 'Egidio

It is appropriate to start with a brief analysis of how this organisation got involved in Burundi. The room for the Saint 'Egidio entry into mediating the conflict was created by the fact that international players like the EU, the US and, even the UN, for various individual reasons, adopted different approaches contrary to that of continental and regional initiative. While the latter had

[344] Weissman op.cit p.28
[345] For more discussion see ICG Report No. 27, 21 February 2003 Op.Cit p.7

adopted sanctions to pressurise the Burundi government, the former invented what they called working with 'moderate' forces.

This meant that the West and the UN, the latter with the influence of the former, opted to work with President Buyoya whom they regarded as a 'moderate'. So being a moderate, they gave him "the benefit of doubt, on the contrary, the regional leaders took a clear position against the military coup."[346] In this respect, they strongly supported Saint 'Egidio's initiative and did participate during the four rounds of talks held.[347] Furthermore, it is alleged that South Africa attended the talks and later on Mwalimu's top aide, one Felix Mosha too participated.[348] This weakened the continental and regional efforts and paved the way for Buyoya to run away from the Regional Initiative. The Saint 'Egidio engagement lasted almost a year from 1996 to mid 1997.

It is worth noting, for our later discussion, that while externally the Saint 'Egidio was trying to mediate the conflict, internally new political developments were going on which were part and parcel of the 'brokering' of peace. This was known as the 'internal partnership' which was mainly a search for a political compromise between the military government and FRODEBU. Critical analysis of this partnership leads to the conclusion that it was a strategic invention by the military aimed at accomplishing two main functions. First, it was meant to justify the coup d'etat and legitimatise it. With the fulfillment of the first function, that could pave the way for a second one, which was, justifying Buyoya's presidency.

The Rome initiative ended when the parties reached a stalemate on the very first item of the seven-point agenda. This was on the restoration of the constitution and the civil institutional order. Both parties had different views. While the government opted for a new constitution, CNDD/FDD was in favor of the 1992 constitution.[349] After the Saint 'Egidio's debacle despite the strong support of the Western powers, for obvious reasons, the only alternative was to revert back to the Regional Initiative under Mwalimu Nyerere where the former's agenda list formed the basis for the all party negotiations which took over the process.

The Saint Egidio initiative, however, obstructed the Regional Initiative which was already underway. A number of things contributed to the failure of the Saint Egidio's initiative. On the top of the list is the involvement of only two parties - The Buyoya military government and the main opposition group - the CNDD. Secondly, its initiative was done mainly behind the scene with total 'secrecy' only to be revealed when the parties failed to agree on the key issues. Thirdly, the

[346] Wohlgemuth, L. Op Cit p.186
[347] Weissman, S. "Preventing Genocide in Burundi, Lesson, from International Diplomacy" an online article, web source http://www.usip.org/pubs/pworks/weissm22/chapter5_22.html visited on 9th November 2006
[348] Ibid.
[349] Maundi (2000) Op. Cit p.95

organisation lacked adequate knowledge of the Burundi conflict which was intractable unlike the one it had concluded in Mozambique.

Fourthly, both protagonists were not genuinely determined to negotiate. The military government, as it has been pointed out in the previous section, used the Rome initiative as a way of avoiding regional pressure and at the same time buying time hoping to strike a deal on internal partnership which was seen by some quarters as not only unique, but rather viable democratic arrangement to the Burundi conflict.[350] Fifthly, the mediators as well as their supporters underestimated CNDD by just assuming that it could be content to join the government on a general political deal, something which had proved wrong.[351]

Assessing Saint 'Egidio's interests as to its involvement in Burundi's conflict is not straight forward. Unlike in Mozambique where its involvement could be traced on its earlier contact with government on the normalisation of relations between the church and the government,[352] in Burundi it could also be the same. This is because the church has been at feuds with the government since the era of Bagaza as the former had been critical on the government's conduct and on the handling of ethnic issues. On many occasions, as seen in chapter two, the church was regarded as pro-Hutu. Therefore, whether its entry was by invitation or by its own proposition, the spillover results of its engagement would have been that of mending relations between the government and the church. Now follows the discussion on the role of Carter Centre.

4.5.2 The Carter Centre

The Carter Centre's approach to the Burundi conflict took a wider perspective. That is, it regarded the conflict as a regional problem which needed a regional solution. Within Carter's conceptualisation, the conflict included the then Zaire, Burundi, Rwanda and Uganda. The thrust of this conceptualisation reflected US interests in the region at that time; namely interests of US multinationals in Zaire and US political and diplomatic interests in Uganda and Sudan.[353]

The strategy of the Carter's initiative was to involve regional leaders and seek approval and support of the continental body. As discussed in chapter two, under this initiative, two famous summits were held - one in Cairo on 29th November 1995 and then followed by another in Tunis,

[350] Jan Van Eck, Burundi Report: External Signal Need to Further Stimulate Internal and External Negotiations Process. 3 August 1998 sourced from web http://ccrweb.ccr.uct.ac.za/archive/burundi_reports/burrep-aug98.html visited on 22nd November 2006
[351] For detail see Stephen Weissman Op Cit. p. 25
[352] Hume, C. Op Cit p.17
[353] See Van Jan Eck, 9 April 1999 Report Op Cit and Malan 2000 Op Cit

Tunisia from March 11-18 the following year.[354] This is where Mwalimu Nyerere got involved in the process and it can also be argued that the Region Initiative owes its initiation in these efforts by Carter.

The Cairo Summit was attended by Heads of State and Government of Rwanda, Burundi, Uganda, and Zaire, and a representative from the government of Tanzania. The summit ended by issuing a statement decrying genocidal and exclusionary politics in the region and pledging joint efforts to rid the region of conflicts as well as ethnic and politically motivated violence.[355] The second summit, despite having devoted more time to the Burundi conflict, only came up with the expanded Cairo statement which called for leaders in the region to end hostilities and regain their confidence on each other. While the summit agreed to convene in the future, this did not happen. This meant the end of the Carter initiative.

While the two Summits did not produce any significant results as anticipated, they did contribute to the course of the Burundi Peace Process. They gave the conflict a wider conceptualisation which later proved appropriate as it helped to shape the regional leaders' approach to the conflict. Secondly, the initiative helped to put the issue of Burundi in the limelight of international arena. It, in short, kick started the new developments in the search for a solution to the Burundi conflict.

4.6 The role of other Actors

This section concentrates mainly with two actors; the US and the EU. The interests they had in the region and their influence in the UN Security Council made them important actors. As indicated in the previous chapters, the US interests were both economic and diplomatic and were tied to its interests in Zaire and Uganda. The European Union's interests were also economic in line with its members. But also within European Union there are members with special interests in Burundi and the region due to their colonial relationships. These are France and Belgium. Below we briefly examine the role played by each.

4.6.1 The Role of United States in the Burundi Peace Process

The role of the United States in solving the Burundi crisis can be looked at two levels. These are the levels of its permanent membership in the UNSC and its own foreign policy practice as a state.

[354] Carter Centre Op.Cit

[355] See Kamukama Op. Cit pp. 135-136 and Jan Van Eck Report of 28 February 1999.pp 2 & 8. A web source http://ccrweb.ccr.uct.ac.za/archive/burundi_reports/burrep-feb99.html .Accessed on 28 February 2007

Both at the United Nations and as a country, the US was against the military takeover in Burundi and condemned the assassination of president Ndadaye. It supported UN resolutions against the coup plotters and also called for immediate restoration of peace. As a country, it took various measures, though with some reservations, to express its disapproval of the military which had ousted and killed an elected president.

Immediately after the 1993 coup in Burundi, President Clinton appointed and sent a special envoy, Howard Wolpe to Burundi to try to find a resolution to the crisis. The US declared that it would not tolerate governments instituted through intimidation and would never cooperate with such governments. It immediately stopped development aid and military training to the country. However, the US continued to provide humanitarian aid.

When Buyoya toppled President Ntibantunganya in July 1996, the latter ran for his life by seeking refuge at the residence of the US ambassador. This put the US government at the centre of the crisis. The US insisted that Ntibantunganya should be involved in any political process leading to the solution of the crisis. If not, president Ntibantunganya had to be allowed to seek refuge in a foreign country.

When the regional leaders imposed sanctions, the US government initially supported them and applauded the decision because of its conviction on democratic governance and its zero tolerance of military regimes. However, hardly two months after, the country's Secretary of State Warren Christopher openly opposed them and lobbied the Regional Heads to relax the sanctions claiming that the military regime had partially achieved the political conditions set by the leaders.[356] According to Weissman, this was aimed at bolstering Buyoya against Tutsi extremist hardliners.[357] This was due to the fact that the US government and some of the western nations categorised Buyoya as a 'moderate' among the extremists, thus deserving leniency. This implied an indirect support of the military regime and legitimisation of Buyoya's claim that "the coup was necessary to stem the bloodshed".[358]

On the other hand, when the UN Secretary General Boutros-Boutros Ghali proposed an international humanitarian intervention, the US did not fully support it. It neither gave diplomatic nor political support it deserved.[359] This might have been attributed to two factors namely; its failure in Somalia and dissatisfaction with Boutros Ghali.[360] Having ignored the UN initiative, the

[356] Weissman, S. "Burundi and the Crisis in Central Africa" in Foreign Policy in Focus. Vol.2, No.13, January 1997,p 2,.International Resource Centre and Institute for Policy Studies. A web source http://www.fpif.org/pdf/Vol2/ accessed on 22 November 2006
[357] Ibid.
[358] BBC NEWS, World: Africa: "Burundi sanctions lifted" Saturday January 23 1999, published at 20:11GMT. A web source http://news.bbc.co.uk/2/hi/africa/261258.stm accessed on 28 November 2006
[359] Weissman, S 1999. Op. Cit p.12
[360]For details see "The history of a Verified Genocide" A web source http://www.willium.com/articles/information16Nove1996/indexright.htm accessed on 29 March 2007

US hurriedly backed the request from the Heads of Regional Initiative for the establishment of a regional force to be financed by the West but the program did not take off.

With the moderate view on Buyoya, the US government saw itself concentrate its efforts on internal political solutions involving the military regime, the FRODEBU and the CNND, a political movement-cum rebel-army led by former FRODEBU Minister Leonard Nyangoma. This culminated into the entry to mediation by the Saint Egidio which involved the military government and the CNDD. The mediation talks were held in Rome with strong backing by the US and its European allies at the detriment of the Regional efforts.

When the parties reached a stalemate and the talks collapsed, and paved the way for regional efforts, the US continued with its diplomatic efforts. However, it concentrated much on humanitarian relief services under United States Agency for International Development (USAID) by collaborating with different NGOs and United Nations Agencies. It seemed that the US government's concentration on humanitarian activities was shaped by the increasing pressure from civil organisations in the US[361] which were pushing for more US involvement in solving the Burundi conflict. Indeed, the US lawyers' verdict that what was happening in Burundi was genocide made the government increase its presence but not to concede to the lawyers' interpretation of the events.

When peace talks under the Regional Initiative started again in June 1998, the US lent its support though with some reservations as was the case with other western nations who doubted the facilitation of the Arusha peace talks. However, it continued to pressurise Buyoya to continue with negotiations in Arusha and talks with the rebels. While attending Mwalimu's funeral on October 1999 in Dar es Salaam, the US Foreign Secretary Madeleine Albright insisted to Buyoya that the talks had to continue amid escalations of rebel attacks around Burundi capital.[362]

It was therefore after Mandela's takeover of the mediation role that the US' presence was mostly felt in the peace process. Firstly, the US lobbied for Mandela's appointment[363] and secondly, in a bid to invigorate and attract international attention, the US president was one of Mandela's invitees to the February 2000 session of the Arusha peace talks.

[361] Many human rights organizations in the US were of the opinion that the US government is not doing much on Burundi crisis particularly on human rights despite the fact that the government had listed Burundi government and rebels among those nations in severe violation of human rights. See also Burundi: Foreign policy a web source http://www.nationsencyclopedia.com/World-Leaders-2003/Burundi-FOREIGN accessed on 26 February 2007

[362] BBCNEWS "US urges Burundi peace talks" Friday, October 22,1999 A web source http://news.bbc.uk?2/hi/africa/482169.stm accessed on 13 August 2006

[363] See ICG Report No. 13,August 2000.Op. Cit p. 11

The participation of President Clinton, although through digital communication, made a significant mark in US involvement in Burundi peace. This was followed by an increased support[364] to the Arusha peace negotiations as promised by President Clinton in his speech.

In Burundi, the US government continually committed itself to providing humanitarian support to the civilians. Overtime, particularly after the signing of the Peace Agreement, the programs were expanded to include among others, promotion of good governance, the rule of law and human rights, democratic values and poverty reduction.[365] Other programs included strengthening and building local capacity through leadership training. These programs were undertaken with the collaboration of more than eighteen NGOs and UN agencies. On the implementation of the agreement, it supported the transitional programs such as disarmament and demobilisation of rebel groups. In 2003, it provided USD 6.2 million to support AMIB operations in Burundi.[366]

This signifies the country's policy objective which is to assist Burundi people to achieve just and durable peace, strategically to encourage budgetary transparency and accountability, private sector development, fight against HIV/AIDS and promoting community based livelihood security.[367]

During this period of peace building in Burundi, the US in collaboration with other actors continues to support the process as part of its efforts to promote peace and stability in the Great Lakes Region as a whole. The US believes that durable peace in Burundi will strengthen regional stability and democratic system in the region.[368]

The US involvement in the Burundi peace process expresses two realities of current American approach to conflict resolution in Africa. Firstly, since the Somali debacle, the US is unwilling to send troops in conflict area in Africa. Secondly, strategic and economic interests determine the degree of US involvement. Burundi had minimal of the two, hence lack of enthusiasm to act.

For example, during the 1972 Burundi massacres, the US involvement was second to none. There were extensive diplomatic activities between the Washington and US missions in Burundi, Kampala and Adis Ababa. The US exerted pressure on both the Burundi government and the then OAU Secretary General Nzo Ekangaki. It categorically told Burundi government that what it was doing in

[364] According to Mwalimu Nyerere Foundation, The US donated USD 1m by November 2000 against only USD 400,000.00 in previous years. This made the US third in the list of highest donors in that year after the Netherlands (USD 1.25m) and the United Nations (USD 1.097m)
[365] For detail on this programs see USAID Burundi Budget, A web source: http://www.usaid.gov/policy/budget/cbj2006/afr/bi.html accessed on 4th April 2007. See also Department of States, "Africa: Supporting Human Rights and Democracy: The Record 2004-2005". A web source http://www.state.gov/g/drl/rls/shrd/2004/43104.htm accessed on 15 February 2007
[366] See statement of the US Ambassador to the United Nations at the Security Council meeting on December 4, 2003. A web source http://missions.un.int/03print_249.htm accessed on 26 February 2007
[367] USAID Burundi Annual Report FY 2005, 16 June 2005, p. 4. A web source http://pdf.usaid.gov/pdf/PDACD858pdf accessed on 12 Dec 2006
[368] Ibid.

Burundi was similar to what white southern African regimes were doing to blacks.[369] It also cautioned OAU Secretary General of the danger of regarding Burundi issue as internal while it had spillover effects to its neighbours.[370] It called for international intervention and even offered some solutions.

The US interests during this period, apart from cold war competition of spheres of influence, was economic speculations on the mineral discoveries in Burundi. The note to the then Secretary of State Henry Kissinger, from the National Security Council, although it acknowledged progress made by Burundi authorities, the need for resumption of its bilateral relations was important to further the US interests. It noted: "there is evidence of major new mineral discoveries in Burundi, and the US government would want to be in a position to support the efforts of American co-operations seeking concessions to exploit these discoveries"[371]

It seems the humanitarian emphasis of the US involvement in Burundi was response to the increased pressure from American civil societies including human rights lawyers who demanded more actions because according to them killings which were taking place in Burundi that time constituted genocide.

Non support of regional sanctions and the UN contingent plans on one the hand and generally lack of strong actions against the military rule in Burundi made Weissman to conclude that the US lacked a fully coherent policy that could provide effective leadership to help resolve the conflict.[372]

4.6.2 The Role of the European Union in the Burundi Peace Process

The European Union (EU) formed and still forms part of the many political and diplomatic efforts toward bringing peace and stability in Burundi. The EU involvement was significant in two ways. First, because its membership comprises three countries with historical ties with Burundi and secondly, the human rights advocacy which forms part of the guiding principles in this European body made its presence unavoidable in the Burundi crisis.

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[369] 'Subject: Burundi Ambassador Conversation with Assistant Secretary Newson' A US Department of State's Dispatch [Adis Ababa, Kinshasa, Kigali, Dar es salaam, USUN YY, Rome, Brussels] June 22nd 1973 web source: http://www.state.gov./r/ho/frus/noxon/06/html visited on 22nd November 2006

[370] 'Burundi Problem and the OAU' a Department of State note to US ambassador to Ethiopia, June73/Rush [a declassified material] accessed from web http://www.state.gov./documents/organization/66748.pdf visited on 22 November 2006. See also " Comments on Recent Disturbances in Burundi" a note from Ambassador T.D Melady, US Ambassador to Uganda, May 15,1973, US Department of State Archives Vol. E.6 Foreign Relations 1969-1976,Documents on Africa [declassified material]web source http://www.state.gov/r/ho/frus/nixon/06/67268.html visited 22nd November 2006

[371] "Subject: US Policy toward Burundi" a memorandum from H. Horan of National Security Council to Henry Kissinger Jan 1, 1974, Memorandum 143(cf 1330x) [a declassified material] web source: http://www.state.gov./r/ho/frus/noxon/06/html visited on 22nd November 2006

[372] Weissman (1997) Op.Cit

Burundi was first under German sphere of influence until the end of World War I when the country became a trusteeship under Belgium until its independence in 1962. France as patron of French- speaking countries, has a long and close bilateral ties with the post independence Burundi regimes despite all the political and ethnic motivated violence. While German ties with Burundi are more or less casual, Belgium and especially France relations with central African countries is much closer.

Therefore, the EU activities in Burundi greatly reflected both historical ties of some of its prime members and also human rights issues which the body upholds. When the 1993 coup d'etat took place the EU condemned it and put some efforts to find a political solution to the problem. Its efforts also reflected or were influenced by the opinion of its members who are also permanent members of the UN Security Council like France, Germany and United Kingdom.

The EU exerted pressure to the military and the government to uphold and observe human rights and return the country into normalcy. It supported internal partnership under The Convention of Government signed by main political parties in 1994. Early 1996 it appointed Aldo Ajello as Special Representative who served until March 2007.[373] No sooner had this appointment was made than it offered to organise national debate, assisted UN Human Rights Centre in Burundi with about USD 3million and provided funds for OAU mission.[374] However, in April the same year, the EU Commissioner for Human Rights Affairs warned that the EU and the US would have to suspend their assistance to Burundi if no progress was made to peace and stability.[375] This followed the Commissioner's visit to Burundi where concerns were raised over gross human rights violations and growing insecurity.

Throughout this period until the coup in July 1996, the EU efforts were geared towards an end of the political and ethnic violence and violations of human rights. The diplomatic efforts were revolving around the UN corridors and European cities where members seemed to have no strong opposing views on how to go about the crisis.

The 26 July 1993 coup made the EU suspend all development aid, save humanitarian one.[376] In September the European Parliament passed a resolution asking member states not to recognise the military government in Burundi. The parliament indeed supported the sanctions imposed to Burundi by the regional Heads who met on 31st July 1996. Generally, on the outset, the sanctions were well received with EU members and praised African leaders for becoming more responsible to African problems as noted in the statement: "the wider international community, including the US and key

[373] The EU press information http://ue.eu.int/ucDocs/cms_Data/doc/PreesData/en/Sg/85499.pdf accessed on 31st March 2007
[374] Human Rights Watch 1997 Op. Cit
[375] Ibid.
[376] Ibid.

European states greeted the efforts of regional leaders to impose solutions on Burundi through a combination of economic pressure and negotiations"[377]

However, it did not take long before some of its key members started to question the wisdom of imposing sanctions and argued for their removal. This included France which in March 1997 publicly denounced them. Taking the lead, France also did not veto The UN Secretary General's contingency plan in Burundi but shied away from fully supporting it. As Weissman commented, France's position reflected a subtle balance of interests. On the one hand, it was its identification with the political interests with those of Tutsi elites and on the other hand, the embarrassment it faced in Rwanda by supporting Hutu elites.[378] So France was hesitant to act otherwise so were other members of the EU.

In spite of this, emphasis continued on providing Burundi with the humanitarian aid aimed at easing human sufferings and promotion of human rights and preventing its violations. As to the support of regional initiative, the EU like the US strongly backed the Saint Egidio mediation in Rome[379] and caused a break to the regional initiative. Nonetheless when the initiative failed it directed its efforts into the Regional Initiative.

It must be noted here that despite this turn around, the EU participation was not as strong as it became more and more critical of Nyerere's mediation and Tanzania's facilitation. Few of its members contributed substantially to peace talks[380] until the demise of Nyerere in October 1999 and the mediation role was taken over by Mandela.

During the February 2000 consultative meeting Arusha, France led the talks by urging other countries to resume economic assistance to Burundi instead of tying it with "the conclusion of political settlement".[381] It also pledged continued support of the regime in different sectors.

However, Belgium, contrary to the French plea, tacitly said that it would only put Burundian case to the European Union if the Burundi government effectively concluded the dismantling of regroupment camps.[382] The United Kingdom expressed doubt over the viability of development assistance without peace and stability. It added: "we are ready to support ...Burundi when conditions are right. You can ensure the stability and security necessary for development assistance

[377] ICG Report No. 1 28 April 1998. Op.Cit p. 1
[378] Weissman, (1998) Op.Cit p.12
[379] In 20 May 1997 through the Declaration, the EU welcomed President Buyoya's announcement of Roma talks with CNDD and also argued the later to disband the regroupment camps. For details see Human Rights Watch Report 1997 Op. Cit.
[380]
[381] Message from the President of French Republic Jacques Chirac at the Arusha during Burundi Peace Consultative Meeting 12 February 2000 read by the Minister for International Co-operation HE Charles Josselin
[382] Statement delivered by Mr Louis Michel, Belgium Deputy Prime Minister and Minister of Foreign Affairs at the Arusha Consultative meeting on Burundi Peace. 21 February 2000.

to be effective. We will then support a resumption of assistance to Burundi"[383] It must be noted however that the EU has always been the largest multilateral donor in Burundi.

The coming of Mandela invigorated the EU and its members. The period saw increasing participation of EU members in the facilitation of the process. The charismatic behaviour of the new facilitator and having borrowed a leaf from his predecessor's experience, he was quick to accommodate some interests of external players and managed to bring them closer to the peace process.

This made availability of resources from the EU to the peace process more accessible hence facilitating the peace process. The support continued during the transitional period and post conflict rebuilding of Burundi. According to available records, the EU is the most significant multilateral donor which in 2005 provided about USD 146 million for budgetary support and other transitional activities.[384]

The EU's efforts to provide a significant contribution to attaining a political solution to the Burundi conflict at the early stage of the conflict had not been marred by conflict of interests within some of its members. Being the provider of most of the multilateral and bilateral aid to Burundi, it could use this to press Burundi regime to effect changes. But lack of consensus and firm French support of Tusti interests made the organisation to play rather a more diplomatic profile during the crisis. Hence, the potential the EU had to influence change was not adequately used and instead at certain times used to obstruct the Regional Initiative.

Conclusion

This chapter sums up that generally, at the beginning, the actors outside the continent played down the efforts of the Regional Heads and precisely obstructed the latter's efforts. Inability of the UN to act because of the indifference of some of its key members made other players' efforts ineffective. The decision by the US and its allies not to support the sanctions and the position they took over Buyoya as being 'moderate' complicated the process and frustrated regional efforts. First, both positions made the military regime very arrogant and ignored regional leaders. Precisely, the West preference of Saint Egidio initiative to Regional Initiative had almost put a halt on the latter.

As the West has always been applying sanctions in different cases by rejecting those imposed by the regional leaders, the Burundi government interpreted Regional leaders' decision as unjust and irrational. This created hatred between Burundi and its neighbors which were members of the Regional Initiative. Had the sanctions been totally supported, Burundi peace could have been achieved much earlier and perhaps reduced the damage caused by the military regime.

[383] Speech by Hon. Peter Hain (MP), Minister of State, Foreign and Commonwealth Office at the Opening of the Burundi Peace consultative meeting, Arusha 21 February 2000.
[384] For details see USAID BURUNDI, BUDGET Op.Cit p 2.

However, after the failure of Saint Egidio and the UN interventions, the US and its allies who are members of the EU joined hands with those of the region to finding the lasting solution of the Burundi conflict. Being Burundi's major donor, the EU is now playing a pivotal role in supporting peace building in the country. But the fact is that the multiplicity of players had a negative impact on the peace process. Lemarchand notes that the involvement of a large number of external actors slowed the process because of different interpretations of the nature of the conflict, stemming different agenda and strategies thus presenting the parties with ample opportunities for manipulations.[385]

[385] Lemarchand (2006) Op Cit pp.41-42

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS.

5.0 Introduction

This chapter summarises the main points of the study, enlists some challenges facing Burundi peace building today and makes some recommendations. It also highlights lessons of experience for conflict resolution in Africa. Burundi has come a long way since the assassination of President Melchior Ndadaye in October 1993. A new democratically elected President was installed in August 2006 bringing to an end the transitional arrangements set out by the Arusha Peace and Reconciliation Agreement signed in August 2000. Various players, as noted, contributed variously in resolving the Burundi conflict.

5.1 Summary and Conclusions

This study dealt mostly with the peace process, the actual negotiations and the agreement worked out under the Regional Initiative and mediation of Mwalimu Nyerere of Tanzania and Nelson Mandela of South Africa (chapter two) and the special role played by Tanzania, both as host to the peace negotiations and of most Burundi refugees including the rebel leaders (chapter three), and lastly the role of other actors namely the regional initiative (collective actions),the AU, UN, EU, US and various NGOs.

With regard to the peace negotiations the following factors were highlighted. First, the first attempts to resolve the conflict failed because of the high stakes set by the two main protagonists UPRONA and FRODEBU. Second, the Tutsi extremists in collaboration with the army were a stumbling block to the smooth running of the negotiations. Third, the parallel process, that is, internal partnership and Arusha negotiations created loopholes which the military regime used to defy the Regional Initiative. Fourth, non participation of the main rebel groups was one of the major hindrances to the process. Fifth, the Tutsi parties' lack of confidence on Mwalimu' facilitation slowed down the solution of the conflict. Sixth, the agreement left very contentious issues namely transitional government and ceasefire negotiations which the former caused a delay of the installation of the first interim president of first transitional period. The ceasefire agreements were concluded after nearly six years since the signing of the Arusha Agreement. Despite these weaknesses, the transitional programs were implemented which gave the way for national elections which saw the new president elected in August 2006.

On Tanzania's role, the study found out that different factors determined its roles which are *inter alia* safeguarding its national interests which were threatened by the conflict and also humanitarian

or moral obligations as part of the international community. This confirmed the study's hypothesis. The country played both mediation and facilitation roles as well as played host to the peace negotiations and Burundi refugees. Tanzania's role continued after the signing of the agreement where it worked on the ceasefire negotiations and implementation of the Arusha agreement. The study further found out that what was considered as Tanzania's 'biasness' over the Hutus by Burundi military regime was baseless as there was neither evidence of Tanzania's support to the rebels nor that it favoured the military option of Burundi crisis. To add to this, it was found that the military regime was unhappy with Tanzania's firm support of economic sanctions and its decision to block arms export into Burundi. On the involvement of Mandela and South Africa, the study revealed that both Tanzania and the regional states were suspicious of the role of South Africa. They feared it would use the opportunity to penetrate into the sub-region both diplomatically and economically. It was indeed revealed that Jacob Zuma who took over from Mandela wanted to move the mediation process to South Africa though failed but the study showed that many negotiations later took place in South Africa.

On the role of other actors, the following conclusions were reached. While the peace process involved many actors, the roles of those actors were indispensable although different factors influenced their interactions and therefore at certain stage hindered the process. While the Regional Initiative owned the Burundi Peace Process, lack of consensus among members on some issues due to varying interests slowed down the process. Among them were sanctions and the approach and type of solution of the Burundi conflict which had direct influence on the Rwandan and the DRC conflicts. On the UN role, despite constructive contribution to the process its role was affected by the interests of its veto members particularly the United States and France. The same was to the EU where interests of some of its members especially, France affected would - be constructive engagement of the institution. The OAU/AU contribution was crucial though handicapped by the lack of capacity and financial resources. The Carter engagement though brief, was instrumental. It shaped and kick - started the regional initiative. Saint Egidio's role was seen as more or less of an obstructive engagement as it was an attempt of the military regime to dodge the regional pressure. But all in all, the involvement of these players showed that the Burundi conflict touched every peace-loving state and institution which contributed towards resolving it. Peace in Burundi owes much to the tireless efforts of these actors.

5.2 Challenges

While the conflict in Burundi can be said to have been resolved with the installation of the new President, the country remains with many challenges which could be described as challenges of peace building. Principal among them are the following.

5.2.1. Political tolerance

After years of ethnic violence coupled by government impunity, parties in Burundi need to exercise high degree of political tolerance. This is one of the key factors if the country wants to achieve durable peace. The government must be exemplary on this by tolerating its critics. The recently reported crackdown against media and some civil organisations[386] and the seemingly political witch hunt following the revelations of the alleged coup and resignation of senior government officials send wrong signals. These acts are against the will of the people of Burundi who have been craving for peace and stability and labored for the peace agreement they have signed.

5.2.2. Human right abuses

Violations of human rights have been part and parcel of Burundians lives. Some of the perpetrators of these abuses still continue for various reasons. Among them are members of security forces particularly the National Intelligence Services known in French as Service National de Renseignment (SNR). There are still reported arbitrary arrests and tortures made by SNR[387] and indiscriminate abuses particularly in the rural areas. While the Arusha agreement provides for measures to be taken to address this problem, the speed with which those measures are taken does not match with the urgency of the problem. This, among others, calls for urgent instilling of the sense of professionalism in security forces and also sensitisation of the population to understand their civil and human rights

5.2.3. Reconciliation

This is another key area of which if appropriately handled would make Burundians realise what actually they were missing. Whilst, the Agreement had set out in protocol I how to achieve reconciliation, still measures envisaged in the protocol have not been taken. Despite many efforts by the UN the establishment of the institutions of transitional justice has not been affected. This is not only against the spirit of the Arusha agreement but the will of the majority in Burundi to heal the past wounds and build a new society.

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[386] International Crisis Group, "Democracy and Peace at Risk" ICG Africa Report No.120, 30 November 2006 pp. 4-5. In this report, it alleged that the government responded after being accused of nepotism, corrupt and other malpractices.
[387] IRINNEWS 27 November 2006, UN official in Burundi quoted in the article "Burundi: Government under Pressure to Curb Continued Rights Violations".27 November 2006. A web source http://www.irinnews.org/Report.aspx?Reportid=61660 accessed on 27 February 2007. See also ICG Report No.120 30 Nov.2006 Op Cit

5.2.4. Settlement of Returnees

This involves their security, placement and recovery of their properties of which for the majority is land. The land issue poses a big challenge to the government. Hence extra care must be exercised. It is known that land left behind by the majority Hutus was taken by the Tutsis either with the assistance of the government or just by themselves. The current land law is controversial and denies ownership rights to those who left the country more than thirty years ago, precisely those who left during the 1972 violence.[388] With more than 200,000 people leaving the country only in 1972, if not well handled they could be source of a new wave of ethnic tension. Another issue related to returnees is adaptation of children returning from exile into education system. Most of them have language problems, as some reports noted[389] that during exile they were using different languages other than Kirundi and French. It becomes more complicated when some of these children cannot master even Kirundi

5.2.5. Human security

While it is true that the country is now moving from direct violence to peace, generally Burundi is facing its worst human insecurity ever in its post independence history. Coming from decades of political instability, the country's economy has nosedived, placing majority of the population into extreme poverty, malnutrition is rife, infant mortality rate is high and the same to HIV/AIDS prevalence rate. Other human security challenges are child soldiers, spread of arms, and landmines mainly along its border with Tanzania. Urgent measures are needed to address these problems. Given Burundi's situation, more and more support must be mobilised to assist the government.

5.2.5. Openness and Transparency

The government is facing another challenge of exercising its duties with openness and transparency. Transparency is important in confidence building with both the electorate and its development partners. Already complaints have been made by Burundi citizenry and the donor community. Lack of transparency in running government business, particularly on the part of procurement has attracted the concerns of the international community.[390] In this wake of

[388] According to the current law, legal title reverts to whoever occupies the land for at least 30 years if no claims are made within three years of this period. For more information see "Burundi: Huge Challenges in Solving Land Crisis" IRINNEWS 23 November 2006 .A web source http://www.irinnews.org/Reports.aspx?ReportsId-61635 accessed on 20 February 2007

[389] See IRINNEWS Report on Burundi: "Returnees Children face language Obstacles" of 2 December 2005. A web source http://www.irinnews.org/Reports.aspx?ReportId-57434 accessed on 20 February 2007

[390] It has been reported that following Burundi's indifference, key financial donors have frozen aid money. For example by September 2006, only 10 percent of fund earmarked for that year was paid. For details see ICG Reports No.120 op. cit p 11

allegations of nepotism and corruption and government's indifferent response to enquiries even by the international community which is wholly supporting peace building in Burundi has led to strained relations between them. This is not a healthy situation because it undermines the good will of the international community towards supporting the course of Burundi's people.

5.3.0 Recommendations

The holding of general elections and the inauguration of President Pierre Nkurunzinza in August last year marked the end of the critical phase in Burundi peace process. This was a result, as mentioned in this study, of heavy investment in terms of energy, resources - both human and material by both internal and external players. With the democratically elected President –a product of the new constitution, the country is now on the right track towards durable peace and stability. The holding of peaceful and successful elections is a sign of mutual trust and self confidence among Burundians and their determination to live in peace through accepting current political dispensation. However, this does not mean the country is now invulnerable to its decades-long ethnic violence. Putting into account the challenges, some already identified by this study, currently facing Burundian society, the study recommends the following:

5.3.1 Ensure equal share of peace dividends

With the new constitution which provides for equal opportunities for all, the current government must be proactive in its plans and actions to translate that ethnic equality enshrined in the constitution. While the previous Tutsi regime was denounced for excluding the Hutus, on the ground it also excluded other Tutsis from other clans. The government must avoid this by making sure that peace dividends do not reach only the political elites among ethnic divide but rather the majority commons.

5.3.2 Political engagements and consultations

Frequent political forums or consultations involving all stakeholders must be part of government strategies to forge political unity and national reconciliation. Despite the fact that the government in power was elected by the majority, involvement of defeated political parties must be part and parcel of the national strategy toward preventing resurgence of political and ethnic tensions.

5.3.3 Transitional Justice Measures must be Put in Place

As listed among the challenges, the establishment of transitional justice institutions as provided by the agreement must be done without delay. These measures are important to make sure that those in the government and among rebels pay or are held responsible for the atrocities committed before the peace agreement. One of the areas where these measures should be taken is on the attacks and atrocities against relief and international organisations. This includes killings of the staff of those institutions. There must be no amnesty for those committing these atrocities. This will act as a warning to prevent future occurrences.

5.3.4 Civil Society Involvement

The involvement in civil society must be given due priority. While little efforts were taken to involve civil society during the peace negotiations, its involvement at this stage does not need overemphasis. The government must take initiative to encourage, motivate, inspire and strengthen civil societies' involvement in a more constructive manner through more freedoms of actions and means to implement constructive ideas in building new Burundian society. Civil societies such as those with peace building-oriented activities and community-based must be encouraged and strengthened through empowerment and provisions of means to coordinate their activities.

5.4.0 Lessons of Experience for Conflict Resolution in Africa

5.4.1 Handling of Internal Conflict

There is a need for African states and their institutions charged with conflict resolution to adopt a proactive approach. The lessons or experiences with Burundi conflict is that Africa is still reluctant to take appropriate actions at appropriate time when dealing with internal conflicts. The reason for being reluctant is similar to that of interference in internal affairs. It was only when the crisis had hit the boiling point when the continental body declared to take measures irrespective of Burundi's sovereignty. This remained so despite the fact that Burundi conflict was inflicting serious humanitarian and security problems within its borders and beyond.

With the MCPMR in place, the AU must formulate means where internal conflicts and involvement of external states into those conflicts are transparently and openly discussed. Still AU is reluctant to discuss thorny issues like state intervention on other countries' conflict like Rwanda

and Uganda involvement in DRC. While their involvement was a total violation of that country's sovereignty, no stern measures were taken to reprimand them. This creates precedence to other countries to repeat such acts. The AU has to adopt a new strategy which is more open, transparent and accountable to the people and not to its top echelon. The current Zimbabwe problem can also serve as evidence of how ineffective the continent's mechanism is for conflict resolution. This shows that the continental body is still not ready to act in a manner it is supposed to.

5.4.2 Africa's Foreign Dependency on Conflict Resolution

Africa must recognise the importance of investing in conflict prevention, management and resolution. While setting up conflict resolution institutions is a welcoming strategy to deal with conflicts in the continent making these institutions work is another thing. Experience from West Africa and recently in the Great Lakes Region has shown that there is a heavy dependence on foreign support. As a result there are frequent delays in implementing conflict resolution programs due to both conditionalities attached to such support or sometime withdrawal of support when conflict of interests arises. In this regard, the need for prior strengthening of these institutions is encouraged so as to avoid a fire-brigade approach which always affects the work of these institutions. One of the innovations is for Africa to design and adopt its own conflict resolution and management system which is cost-effective according to the continent's socio-economic conditions. Among the reasons which make conflict resolution particularly peacekeeping operations difficult in Africa is the fact that the standards and terms used are those designed by the rich West which reflect their financial and technical capabilities, which do not match with continental realities.

5.4.3 Making Signatories to Agreements more Responsible and Accountable

The study has realised that there is a common perception built among players that enforcement of and guarantee of peace agreements is solely rested on international organisations like in the case of Burundi it is the UN and the Regional Initiative. The research recommends change on this. Efforts should be made to make the signatories who are parties to the conflict more responsible and accountable: that is by making such accords self-enforcing. By doing so, it will first instil a sense of ownership and secondly, it will relieve the external players of the burden involved in guaranteeing these accords.

5.4.4 Deciding on Mediators and Peacekeepers

While the research acknowledges the rights and territorial integrity of states, when it comes to mediation and peacekeeping operations, the continental and respective regional bodies must have

the final say on who is to mediate and who is to take part in peacekeeping processes. It appears that parties to the conflict decide to reject decisions by the regional and continental bodies just because there is that opportunity but not with genuine reasons. The Burundi conflict mediation is a case in point. Whereas the Tutsi regime alleged that Nyerere was pro Hutu and rejected him when he died, they campaigned for Mandela and when Mandela became in charge of the process the Tutsi levelled the similar allegations against Mandela.

5.4.5 Establishment of Internal Safe Zones

There is a need to widen the way the world views the refugee problem. Given the effects of refugees in host countries which include hostile relations between host countries and refugee countries' of origin, declining support from international communities and instability they create in host countries, creating 'safe zones' remains the best option. This has various advantages which are *inter alia* preventing negative effects to other countries, avoiding diplomatic wrangles and preventing refugees being cut of from their cultural environment. Other advantages are making the incumbent regime more responsible to its people. The tendency today is that when people flee to asylum countries, the regimes in their countries of origin seem unconcerned with their plight and leave everything to the host countries and international relief organisations. Indeed, to make regimes in power more accountable, stern measures like holding part of their incomes to support those refugees must be instituted.

5.4.6 The Need for Responsible International Support

Based on the challenges facing Burundi, the need for international community to maintain its diplomatic and economic support is imperative. While the contribution of international community during peace negotiations and transitional period was encouraging, post elections Burundi still needs such support to accomplish peace building goals and objectives.

In line with pledges, it is highly recommended that donors must be more responsible in their support. This means such support should go hand in hand with the regime's implementation of the agreement. This is to avoid the previous situation where the oppressive regimes in Burundi were heavily supported by the international community[391] despite committing huge human rights violation and posing threats to peace and stability in the region. The international community

[391] For details see Ndikumana, L "Institutional Failure and Ethnic Conflicts in Burundi" in African Studies Review, Vol. 41, No. 1 April 1998 p.43

should ensure that its support addresses structural causes of the conflict and prevent the perpetuation of structural inequalities[392] by promoting inclusion, equitable distribution of resources, and access to social services and other peace dividends.

5.4.7 Continued Monitoring of Events in Burundi

The international community and the Regional Initiative must make close monitoring of events in Burundi to avoid any other recurrence of ethnic motivated violence. In fact, Burundi must be put under surveillance commensurate to that of post-Nazi Germans. The regional Initiative should take the lead on this and through other regional arrangements like East African Community, which Burundi was recently admitted as a member, for close monitoring and to make sure the government and other players restrain from acts which will jeopardise peace and stability.

[392] For discussion on this see Brachet, J & Wolpe, H "Conflict- sensitive Development Assistance: The case of Burundi", Social Development Paper, Conflict Prevention and Reconstruction, Paper No.27 June 2005.pp.17-18 A web source http://www.wilsoncentre.org/topics/docs/WP27_web.pdf accessed on 3 March 2007

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http://www.usip.org/library/pa/burundi/pa_burundi_0828200_pr4ch3.html

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