

THE ROLE OF THIRD PARTY INTERVENTION IN AFRICA'S CIVIL CONFLICTS: THE CASE OF SOUTH AFRICA'S PEACE MISSION IN BURUNDI (1999-2004).

CHAPTER ONE: Introduction

1.1 Background and Justification for the Research

1.1.1 Background

The end of the cold war has introduced a significant change in conception and practice of humanitarian intervention. The end of superpower confrontation has substantially removed the “systemic constraints” on intervention in sovereign states. The cold war had made non-intervention an international norm, but its demise has granted broad recognition to the protection of individual rights. This has created an enabling environment for initiating interventions. Humanitarian interventions are not only aimed at preventing the suffering perpetrated by repressive governments, but are also meant to alleviate the situations produced by internal conflicts that lead to gross violation of human rights¹.

The end of the cold war “did not bring peace, but war and conflict” in the territories of millions of people. The UN has been increasingly called upon to respond by alleviating the suffering inflicted on the civilian populations, and to assist conflicting parties reach a negotiated settlement to the conflict². In Africa, the post-cold war has been widely marked by an increase in the “number, scope and intensity” of civil conflicts that have spread, or possess the potential to spread into neighboring countries³. The intractable civil conflict in Burundi epitomizes Rugumamu's

¹ Saban Kardas, 2001, ‘Humanitarian Intervention: The Evolution of the Idea and Practice’, Journal of International Affairs, vol.vi, no.2, pp.4-5.

² Boutros Boutros-Ghali, ‘The United Nations and the New Global Challenges’, Social Education, vol.58, no.7, 1994, pp.403-406

³ Severine, M. Rugumamu, State Sovereignty and Intervention in Africa: Nurturing New Governance Norms, Conflict Management Center, OAU, Maputo, 2001, pp.5-6

argument; the civil conflict which has been on-going since the country's independence in 1962, escalated into a fully-fledged conflict in the aftermath of the end of the cold war- 1993, killing and displacing hundreds of thousands of Burundians and threatening regional stability.

Almost all conflicts in Africa since the end of the cold war are civil in nature. From the experience of the United Nations and other international actors, these conflicts have proven much difficult to address than inter-state conflicts⁴. Hence, this research investigates the role played by these external actors (Interveners) in addressing contemporary African civil conflicts by specifically looking at South Africa's leading and challenging role in helping to address Burundi's intractable civil conflict.

Events that occurred in Somalia and Rwanda during the early 1990s, and the recent crises in West Africa and the Great Lakes Region, call forth to "urgent and continuing need for developing effective methods for rapid and effective intervention in African conflicts"⁵. In a positive move towards that, the African Union (AU) has launched a new Peace and Security Council (PSC). Motivated by failure of the international community to prevent the 1994 Rwandan genocide, the AU pledges to intervene in African conflicts⁶. It is in view of that, that South Africa hopes to "play a leading role in a variety of international, regional and sub-regional forums, and that the country will become an active participant in attempts to resolve various regional and international conflicts"⁷.

The Burundi conflict which turned into a bloody civil conflict in 1993 when the first democratically elected president, Melchior Ndadaye was assassinated is believed to be "fundamentally political, with extremely important ethnic dimensions and stems

⁴ Marrack Goulding, , 'The United Nations and Conflicts in Africa Since the Cold War', Africa Affairs, vol.1999, no.98, 1999, p.155

⁵ Vanessa Kent & Mark Malan, 'Decisions, Decisions South Africa's Foray into Regional Peace Operations', Occasional Paper 72, <http://www.iss.co.za>, April 2003, p.1

⁶ Agence France Presse, 'African Ministers Agree on Robust Peacekeeping Force', <http://www.globalpolicy.org>, 1 July 2002, p.1

⁷ Department of Foreign Affairs, 'White Paper on South African Participation in International Peace Mission', Department of Foreign Affairs, Pretoria, 1998, pp.1-2

from a struggle by the political class to accede to and/or remain in power”⁸. Ever since the country got its independence “acts of genocide, war crimes and other crimes against humanity have been perpetrated against Tutsi and Hutu ethnic communities”⁹. Arguably, such acts are not committed against Burundians but the entire humanity, since they constitute a breach of the universal human rights and the 1948 Geneva Convention on Genocide, hence, demand urgent attention from the international community in form of intervention for human protection.

Despite the fact that the international community has had to re-define and expand international norms of sovereignty and non-intervention in order to address the plight of the civilian populations, which has been aggravated by the intensifying post-cold war civil conflicts, yet without re-defining traditional peacekeeping, which is conditioned by a ceasefire agreement between warring parties; consent by the conflicting parties; impartiality of the peacekeeping force; and non-employment of force (except for self-defense), any intervention in an intra-conflict will constitute a violation of these internationally recognized principles of peacekeeping. Moreover, to a party that has not consented to the deployment of a peacekeeping force, such intervention would be seen to undermine peace by acting as a problem rather than a solution.

The Burundi civil conflict illustrates the foregoing argument:

- The Arusha Peace and Reconciliation Agreement for Burundi was not signed by the two major conflicting parties, the Forces for the Defense of Democracy (FDD) and the Forces for National Liberation (FNL), though the former later acceded to the Agreement. This has hindered the peace implementation program in areas infiltrated by FNL.
- The AU did not seek consent from FNL and FDD in constituting the African mission in Burundi. This increasingly undermined the ceasefire and put the peace process in jeopardy¹⁰.

⁸ Arusha Peace and Reconciliation Agreement for Burundi, <http://www.usip.org>, 4 Feb. 2002, p.4

⁹ *loc.cit*

¹⁰ Vanessa Kent & Mark Malan, *op.cit*, p.5; Jan Van Eck, ‘The ‘Dar Talks’: No Chance of Progress Without Inclusivity’, www.up.ac.za, 28 Aug.2002, p.2; ‘Burundi Peace Talks Close with Little Progress’, <http://www.cnn.com>, 30 Nov.2000, p.1

Accordingly, this fell short of a peacekeeping mission since according to traditional peacekeeping a ceasefire agreement signed by warring parties is only meant to create a secure environment for the interposition of the peacekeeping force between the hostile parties (in other words, keeping the peace) while enabling negotiations aimed at resolving the conflict to take place. Therefore, it can be argued that, in that context there was no peace to keep in Burundi. Thus, this demands an investigation into SA's diplomatic machinery in overcoming this challenge.

1.1.2 Justification

Despite increased prospects of peace after the end of the cold war, intra-state conflicts on the African continent have increased in number, scope and intensity¹¹. Hence, it is important to investigate the challenging role by interveners in Africa's contemporary civil conflicts by looking at possibilities offered by the new world order and constraints encountered in addressing the conflicts.

In order for any enduring resolution of a conflict to occur there is, as a prerequisite, need to diagnose the root causes of a conflict. The root causes of the Burundi conflict have been mainly attributed to ethnic and regional discrimination, political and economic exclusion. In responding to this, the key mediator of the Burundi conflict, Nelson Mandela with the help of the Regional Initiative for peace in Burundi and representatives from UN and OAU designed a formula in which the issues of power sharing and reconciliation were to be addressed. This culminated in the Arusha Peace and Reconciliation Agreement for Burundi. Despite the fact that all the other major warring parties have embraced the Agreement as a tool to address the root causes of the Burundi civil conflict, efforts to bring the FNL aboard the Peace deal have been futile; the rebel group has occasionally continued to launch attacks on both military and civilian targets. The complexity of this situation (the refusal of FNL to join the peace process) perhaps introduces a new dimension to the root causes of civil conflicts. This research investigates this case and elucidates the underlying factors surrounding it, with a view to bring to light a new perspective of looking at and dealing with intractable civil conflicts.

¹¹ Saban Kardas, *op.cit.* p.6; Severine, M. Rugumamu, *op.cit.* pp.5-6

The 1994 Rwandan genocide in which up to a million Tutsis and moderate Hutus were massacred unfolded regional ethnic extremism/solidarity in the Great Lakes Region. A number of countries in the Region such as Uganda, DRC, Tanzania, have at least one or two of the ethnic groups similar to those found in Rwanda i.e., Hutu, Tutsi and Twa), with Burundi having a similar ethnic composition as Rwanda¹². Ethnic extremism has culminated in ethnic confrontation in the DRC in which indigenous Congolese Tutsis and the former Rwandan forces and militiamen (of Hutu ethnicity) who fled the country after committing genocide, have often clashed. It is also believed that the August 13, 2004 massacre of Congolese Tutsis at Gatumba refugee camp in Burundi was carried out by both Rwandan Hutu militias based in Congo and the FNL rebels¹³. As a matter of fact, this raised tension between Rwanda and Burundi on one side and DRC on the other, as the former threatened military intervention in the Congo while the latter amassed soldiers on its borders. Thus, the research investigates ethnic extremism/solidarity as a dimension of the Burundi civil conflict and its implications on regional peace and security as part of a justification to undertake research in this area.

1.2 Research Aim and Objectives, and Research Questions

1.2.1 Aim

This research aims at investigating the role played by external actors (interveners) in contemporary African civil conflicts by specifically looking at South Africa's leading and challenging role in helping to resolve Burundi's intractable civil conflict.

¹² 'Africa: Is Peace Possible?', 2001, Great Decisions TV, Producer Begleiter, R. Nathan, L. Editorial, <http://ccrweb.ccr.uct.ac.za>, 2001, pp.1-2

¹³ Aloys Niyoyita, 'Burundi, Rwanda may Send Troops into Congo', <http://www.tallahassee.com>, 18 Aug. 2004, pp.1-2; Kristina A. Bentley & Roger Southall, *An African Peace Process: Mandela, South Africa and Burundi*, HSRC Press, Cape Town, 2005, pp.199-200; Michael Schmidt, 'Rwanda, Burundi Might Track Killers', *ThisDay*, 16 August 2004.

1.2.2 Specific objectives:

- o Investigating SA's motivation in addressing Burundi's intractable civil conflict by inquiring into its national interests and foreign policy on Africa;
- o Inquiring into SA's diplomacy in reconciling and managing approach-related differences that were apparent in the key parties (Regional Initiative for peace in Burundi) helping to resolve the Burundi civil conflict;
- o Investigating SA's management approach of the Burundi peace process by involving the AU and later the UN;
- o Examining SA's successes and limitations in pursuing a diplomatic solution to the Burundi civil conflict, and how this is crucial in informing Africa's international relations; and
- o Providing a plausible explanation of the complexity surrounding the Burundi civil conflict, which is based on the theory of protracted social change.

1.2.3 Research Questions

- o How does SA, as a leading player, manage the Burundi peace process in partnership with key external parties like the Regional Initiative for Burundi, AU and the UN;
- o To what extent has SA's involvement in Burundi peace process been successful, and what are the limitations of SA's diplomatic/political and military involvement in resolving the Burundi civil conflict;
- o What lessons of relevance to Africa's international relations can be drawn from South Africa's intervention (peace mission efforts) in Burundi's intractable civil conflict; and
- o How does ethnic extremism/solidarity as a feature of the Burundi civil conflict potentially undermine regional/international peace and security?

1.3 Methodology

The research employed a qualitative research approach. This is because of its characteristic quality that "focuses on the analysis of information so as to generate

qualitative explanation of social phenomena”¹⁴. Therefore, the approach was applied to analyze collected data and offer explanations around issues related to third party intervention and the Burundi civil conflict.

Field Research

1.3.1 Data collection

In an effort to collect primary data, and “uncover new clues, open up new dimensions” of the research problem and to “secure vivid, accurate, inclusive accounts” informed by personal experience¹⁵, in-depth interviews that are semi-structured were administered. In this regard, an interview guide consisting of a number of themes was relied upon to gather information. This included open-ended questions, which gave informants the freedom to express their opinions. However, the researcher guided informants to focus on the subject whenever they tended to stray¹⁶.

The semi-structured interviews were opted for because they enable the interviewer to constantly: “appraise the meaning of emerging data for his problem and uses the resulting insights to phrase questions that will further develop the implications of these data”¹⁷. In an attempt to capture all the relevant information given by the informants, audiotapes were used.

The list of informants included:

- o Key Burundian government officials (from the ministries of External Affairs, Security and Good Governance);
- o SA Burundi Mission Operational Commanders;
- o Field experts specializing on conflict in the Great Lakes Region; and
- o Key Burundian Local Officials (e.g., Mayor, Councilors), the Elite (e.g., University lecturers), Religious and Opinion leaders;
- o United Nations Officials and Commanders in Burundi; and

¹⁴ Justus, I. Mwanje, Issues in Social Science Research, OSSREA, Addis Ababa, 2001, p.2

¹⁵ Robert Walker, Applied Qualitative Research, Gower Publishing Company, Vermont, USA, 1985, p.4

¹⁶ Justus I. Mwanje, Qualitative Research Process, OSSREA, Addis Ababa, 2001, p.25

¹⁷ Robert Walker, op.cit, p.5

o AU Officials in Burundi.

The reason for having deliberately selected this category of informants was its in-depth knowledge and experience around issues pertinent to the research problem.

Other data sources included original reports, and policy decisions and papers, on resolutions of stakeholders involved in the Burundi peace process. These constituted primary data collecting tools, while secondary data collecting tools included scholarly literature and internet research.

According to Denzin and Lincoln, qualitative research is “multimodal in focus” as it uses various methods to collect data. The use of a number of methods is an attempt to acquire an in-depth understanding of the object of the research¹⁸. Hence, in order to make more reliable comparisons, contrasts and generalization about the findings of the research, and to have a broader perspective of the research problem, the study employed in-depth interviews, and policy and scholarly literature analyses.

1.3.2 Data analysis

In an effort to facilitate data analysis, categories were formulated in advance and thereafter the collected data was sorted by “putting the appropriate sections of data into the particular categories they illustrate”¹⁹. However, in order to ensure thorough data analysis, constant “intertwining of data collection and data analysis” was done²⁰. According to David, this is simply collecting data while simultaneously analyzing it²¹.

The transcribed data from audiotapes were analyzed separately, however, this was done in the context of “concepts and categories developed in the analysis of earlier interviews”²².

¹⁸ Norman K. Denzin & Yvonna S. Lincoln, Handbook of Qualitative Research, SAGE Publications, Inc., London, 1994, p.4

¹⁹ Robert Walker, op.cit, p.58

²⁰ Smith Robert B. & Manning Peter K, Qualitative Methods: Handbook of Social Science Methods, Ballinger Publishing Company, Cambridge, 1982, p.68.

²¹ Silverman David, Doing Qualitative Research: A Practical Handbook, Sage, Publications, London, 2000, pp.121-122.

²² Robert Walker, op.cit, p.5

1.4 Scope and limitation of the study

For the interest of the research, intervention as highlighted in the title is not restricted to military operation or to peace enforcement, but also includes non-military preventative measures. The research focuses only on external- third party intervention in civil conflicts.

Efforts to interview SA senior officials who participated in the Burundi peace process were fruitless and because SA is the key subject of the research, primary and crucial information was not obtained, however, information from original sources such as reports was relied upon to respond to questions related to SA's efforts to address the Burundi civil conflict.

The study presents a brief discussion on the peace and security framework set up by the AU to respond to armed instability on the continent. In spite of the numerous measures that are employed in dealing with the African civil conflicts, this study focuses on peace missions or operations that involve peacemaking (diplomatic negotiation/mediation), peacekeeping and peace enforcement designed to stop confrontation by the warring parties and, therefore, enable the resolution of the conflict(s).

The research broadly focuses on SA's peace mission efforts in resolving the Burundi civil conflict that began from 1999 when former President Nelson Mandela was appointed the chief Mediator of the Burundi peace process to 2004 when the UN took over control from the AU. The research also looks at the Burundi conflict starting from 1993, the year when the civil conflict escalated into a bloody conflict after the assassination of the first democratically elected Hutu president, Melchior Ndadaye. However, for purposes of understanding the nature and dynamics of the Burundi civil conflict, the study extends back to include pre-colonial, colonial and post-independence eras.

In an attempt to clearly locate the specific contributions made by the above mentioned parties in responding to the African civil conflicts and, thereby, construct a framework within which the parties operate, the research initially looks at intervention in the

contemporary world, and the changing nature of civil conflicts in Africa in terms of their dimensions, scope and intensity.

1.5 Theoretical framework: Perspectives on Conflict Resolution

This section sets out a conceptual framework upon which SA's 'conflict resolution approach', employed in reconciling the Burundi warring parties toward embracing a pacific settlement of the conflict, is assessed. The literature is also useful in analyzing both the nature of the African civil conflicts and Burundi's intractable civil conflict.

At the level of analyzing the attempts made to resolve the Burundi intractable civil conflict, the theory of conflict resolution is drawn upon. This is crucial in analyzing SA's diplomatic/political and military approach towards resolving the Burundi civil conflict. Conflict resolution refers to the process of helping to bring about a solution, where the actors find it unattractive to continue conflicting and realize the importance of benefit-distribution across the society. This may require a third party, whose role might be a mediator attempting to resolve the conflict²³.

Conflict resolution focuses on the root causes of conflict and attempts to address them meaningfully. In that regard, attempts are made to cut off links between the causes of conflict and the actions of warring parties to resort to it. However, such a pragmatic approach neglects the functions of political violence in national and international relations. The functions of conflicts include capturing or preserving of power, ensuring of internal cohesion and external expansion. Conflict resolution as a "problem-solving theory" encourages the development of techniques by which the problems can be addressed. Various bargaining strategies to achieve concrete results are acceptable objects of analysis. As bargaining behavior often involves coercion and threats, leading to escalation of the situation rather than contribute to its resolution, there are attempts to develop various appropriate solutions to violent conflicts. These emphasize, for example, promotion of common interests, the resort to third parties

²³ Raimo Väyrynen, 1991, New Directions in Conflict Theory: Conflict Resolution and Conflict Transformation, SAGE Publications Ltd, London, 1991, pp.59-60.

and consideration of an “honorable retreat”²⁴. Given the intractable nature of the Burundi civil conflict especially the hostility that was apparent in the warring parties, which forced the two key rebel groups, the FDD and FNL not to participate in the Arusha peace and reconciliation agreement for Burundi, it is interesting to interrogate the techniques and nature of the bargaining behavior employed by SA in contributing towards resolving the conflict.

The problem-solving approach often focuses on the existing power relations and institutions and fails to consider their basic nature. This kind of conflict management often relies on empirical research, which seeks for invariance between root causes of violence and the conflict phases. On the other hand, the focus on the functions of violence leads to questions on the nature of the social order in which it happens. In this case, the study of violence assumes a broader economic, social and political perspective. The emphasis on social orders and their relationship to internal and external violence, explains the existence of alternatives of which some are more preferred than others. Thus, unlike in problem-solving theory and conflict management, consideration of the functions of violence attaches a normative element into attempts to resolve conflicts. In this regard, conflict resolution is “better equipped to avoid the pitfalls of political engineering and the neglect of the structural context of violence”²⁵. Indeed any attempts to resolve the Burundi intractable conflict must consider the social order in which the conflict occurs. This is especially true, in as far as, it is significantly observed that the Burundi conflict is characterized by ethnic hatred, a distorted racial ideology, and a distortion in the social order by colonialism.

Conflict resolution is facilitated by a “ripe moment, defined in terms of escalation that can best be understood in the context of policy alternatives ... the mediator needs both to find a formula that meets the parties’ demands and also manipulate the conflict-verbally or materially- in order to mediate effectively”²⁶. Any external party attempting to address conflict by helping belligerent parties to refocus their energies into more useful activities must not only consider its own interests, but the “dynamics

²⁴ Raimo Väyrynen, 1991, New Directions in Conflict Theory: Conflict Resolution and Conflict Transformation, SAGE Publications Ltd, London, 1991, p.300

²⁵ loc.cit

²⁶ I. William Zartman, ‘Conflict Resolution in Africa’, in I. William Zartman (ed.), Ripe for Resolution: Conflict and Intervention in Africa, Oxford University Press, New York, 1989, p.255

of the parties”²⁷. Conflict resolution is effectively done in “concert”. In case of a number of conciliators available to the warring parties and if a number of their friends are able to “coordinate their good offices and pressure”, there are greater chances of success. Before engaging with the principal parties on a proposed agreement, it is prudent to start with their allies²⁸. Since the search for a solution to the Burundi civil conflict was done in “concert”, then how was the coordination of “good offices and pressure” carried out, and more importantly, how did SA manage this process in an attempt to promote a more acceptable outcome to the warring parties? This research pursues these questions with a goal to establish third parties’ role in addressing contemporary African civil conflicts- with specific attention to Burundi’s civil conflict.

According to Zartman, conflict can be “prevented” in some instances and “managed” in others, but “resolved only if the term is taken to mean the satisfaction of apparent demands rather than the total eradication of underlying sentiments, memories, and interests”²⁹. Coser argues that conflict emerges from “an incompatibility” of goals or actions³⁰. Thus, conflict reduction implies both the reduction in incompatibilities, in as much as it is possible, as well as reconciling the pursuits of such incompatibilities to peaceful or political means. Hence, for effective conflict management to occur, the ends and means should be seen as “inextricably linked” together. Since politics is the process of managing demands, poorly managed demands are likely to result in violence, therefore, conflict management short of dealing with root causes of violence, is likely to be less fruitful.³¹ Indeed, in order for any effective effort to address conflict it must focus on its root causes, but I differ with Zartman, where he says that conflict can be resolved by appealing to apparent demands rather than the “total eradication of underlying sentiments, memories, and interests”. This is reminiscent to addressing the symptoms rather than the cause of an ‘epidemic’. For instance, any solution to the Burundi intractable conflict short of addressing the

²⁷ loc.cit

²⁸ Ibid., p.276

²⁹ I. William Zartman, ‘Conflict Reduction: Prevention, Management, and Resolution’, in Francis M. Deng & I. William Zartman (eds.), Conflict Resolution in Africa, The Brookings Institution, Washinton, D.C., 1991, P.299

³⁰ Lewis Coser, The Functions of Social Conflict, Free Press, 1956, p.8

³¹ I. William Zartman, op.cit, p.300

deeply entrenched and distorted sentiments and memories of the Burundian society (Hutus against Tutsis and vice versa), will only produce short lived peace.

If the parties can neither conquer nor avoid each other as a means of ending conflict, procedural conflict conclusion is suitable in addressing the conflict. According to this approach, parties have to live together; in general terms, conflict may not be permanently resolved given the continual contact of the parties, but particular conflicts in form of social systems may be resolved with time as they are replaced by other conflicts and systems. Procedural conflict conclusion is of three forms. The first is reconciliation, in which parties commit themselves to renounce the negative value systems of the images of each other. Parties now share common interests and prefer the same state of affairs or position thereby resolving the conflict. The second is compromise in which parties have differing value systems and “optimum positions”. Each party however, is willing to settle for less than his ideal expectations rather than continue the conflict. In compromise, reaching a settlement is a result of mutual bargaining between the parties themselves. The third form of conflict conclusion or settlement is the award, in which parties commit themselves to abide by the verdict of a mediator as a means to reach a settlement to the conflict. The compromise and the award are largely the same since they both represent less than the ideal expectations of the parties, however, they are different in how they arrive at the settlement³².

The first form, reconciliation is problematic: it is difficult to achieve reconciliation, let alone, resolve a conflict while maintaining the same state of affairs. For example, the Burundi conflict cannot be said to be resolved without addressing the current state of affairs- imbalances that have existed over three decades of Tutsi control of the political, economic and military life in Burundi.

Given that mediation was SA's key diplomatic instrument in addressing the Burundi civil conflict, then it is safe to utilize the literature on mediation (as a component of the theory of conflict resolution) to frame the study. Mediation is “a form of third party intervention in a conflict”³³. It is different from other third party intervention in

³² Kenneth E. Boulding, ‘Conflict Resolution and Control’, in Kenneth E. Boulding (ed.), Conflict and Defense: A General Theory, Harper & Row Publishers, New York, 1963, pp.309-315

³³ Zartman I. William and Touval Saadia, ‘International Mediation in the post-Cold War Era’, in

conflicts as it does not rely directly on the use of force and its focus is not to take sides in a conflict. Its purpose is to reach a fair settlement to the conflict, which is agreeable to both parties³⁴.

Mediation is used by states as a foreign policy instrument. States' intervention as mediators is seen as a legitimate cause because of its goal of conflict reduction. However, the desire to promote peace is seen to serve other motives within the realm of power politics. In order to understand these motives the application of a rational-actor model in terms of cost-benefit considerations can be helpful. Mediators are seen as actors "in the plot of relations surrounding a conflict", and in that regard, they are considered to have an interest in its outcome, otherwise, they would not find it attractive to mediate³⁵. It is in light of this, that SA's motivation in joining other key conciliators (that had been involved in the Burundi peace process), will be interrogated within the broader perspective of its national interests and foreign policy on Africa.

Mediators use three modes to appeal to interests of all conflicting parties in an attempt to reach a mutually acceptable outcome of the conflict. These include communication, formulation, and manipulation respectively. Since mediation facilitates parties to do what they cannot do on their own, each of the three modes applies to a different level of stalemate in the course of direct negotiations. For instance, when conflict has made it impossible for warring parties to make direct contacts, thereby inhibiting them from talking to each other and from making concessions without being seen as weak or having lost face, the mediator serves as communicator. The second mode of mediation requires the mediator to be a party to the substance of the negotiations. A conflict may not only break down communication between the parties, but may totally prevent them from reaching a negotiated settlement to the conflict, in that case, the parties need a mediator as formulator. Formulas provide the key to an acceptable outcome of a conflict; they facilitate common understanding of the problem and its remedy or a shared belief system of justice to determine an outcome. Therefore, the mediator as a

Managing Global Chaos, United States Institute of Peace Press, 1996, pp.445-461.

³⁴ loc.cit

³⁵ Zartman I. William and Touval Saadia, 'International Mediation in the post-Cold War Era', in Chester A. Crocker et al (eds.), Managing Global Chaos: Sources of and Responses to International Conflict, United States Institute of Peace Press, 1996, p.2

formulator often needs to persuade the parties, as well as, to suggest remedies to their differences. Since persuasion involves power, it therefore requires greater commitment than merely communication³⁶. If it is true that formulas facilitate common understanding of the problem and a shared belief system of justice to determine an outcome, then what prevented a number of Burundian parties notably the two key rebel groups (FDD and FNL) from being signatories of the Arusha peace and reconciliation agreement for Burundi? And what mediation strategies/diplomatic skills did SA use to overcome this challenge and thereby route Burundi on the road to peace?

The third mode requires the mediator to act as a manipulator. In this case, the mediator assumes full responsibility by becoming, in some instances, part of the solution or the problem. As a manipulator, the mediator uses its influence to help parties reach an agreement by threatening and cajoling them. When the stalemate to agreement is constrained by the size of the outcome, the mediator must convince the parties of its vision of the solution; it must thereby take measures in an effort to make the solution acceptable, enhancing its value by adding benefits to its outcome and presenting it in a manner aimed at overcoming imbalances that might have forced one of the parties not to subscribe to it. The mediator may have to go as far as improving the “absolute attractiveness of the resolution by increasing the unattractiveness of continued conflict”, either of which actions contravenes the principle of neutrality³⁷. It is salient to investigate how SA used its influence to manipulate the Burundian warring parties towards a negotiated settlement to the conflict, and how in this pursuit SA mitigated the perceived lack of neutrality in order to drive the peace process forward.

A mediator possesses five sources of leverage³⁸:

First, persuasion, the ability to portray an alternative future as more favorable than the continuing conflict; second, extraction, the ability to produce an attractive position from each party; third, termination, the ability to withdraw from the mediation; fourth, deprivation, the

³⁶ Ibid., pp.9-10

³⁷ loc.cit

³⁸ leverage means power-that is, the ability to influence a party to respond in a particular way

ability to withhold resources from one side or to shift them to the other; and fifth, gratification, the ability to add resources to the outcome³⁹.

In every case the parties determine the effectiveness of the mediator's leverage, which in effect, subjects leverage under much difficulty in mediation⁴⁰. To what extent did SA draw upon the leverage at its exposure to cajole Burundian warring parties and hence moving the peace process forward?

In most cases, third party intervention functions through mediation or arbitration. In mediation, the third party possesses control over the process and not the outcome. The mediator helps belligerents in conflict resolution but does not possess the power to impose a settlement. In arbitration, third parties have control over both the process and outcome. Parties present their positions or final offer to a third party, who possesses the power to impose a solution⁴¹. To what extent did SA act as a mediator or play both roles of mediation and arbitration? An analysis, which will be made under chapter five that will look at SA's diplomatic/political attempts in helping Burundian belligerent parties to address the Burundi civil conflict, will aid us in responding to this.

Negotiation is "a method of settling conflict rather than resolving it. The focus of negotiation is not attitude change per se, but an agreement to change behavior in ways that make settlement possible"⁴². Some of the most important work takes place during the prenegotiation phase of resolving a conflict. It is during this phase that key parties to the conflict are identified and invited to participate, that critical issues are raised and prioritized to constitute an agenda, and that a formula which is to form the basis of the general agreement is designed⁴³. In light of this, how did SA approach the deeply polarized Burundian parties and thus enable them to come to the negotiating

³⁹ I. William Zartman & Saadia Touval, op.cit., p.455

⁴⁰ loc.cit

⁴¹ Leigh Thompson, 'Appendix 3: Third Party Intervention', in Leigh Thompson (ed.), The Mind and Heart of the Negotiator, Prentice Hall, New Jersey, 2001, p.322

⁴² Jeffrey Z. Rubin, 'Some Wise and Mistaken Assumptions About Conflict and Negotiation', in J. William Breslin and Jeffrey Z. Rubin (eds.), Negotiation Theory and Practice, The Program on Negotiation at Harvard Law School, Cambridge, Massachusetts, 1999, p.3

⁴³ Ibid., pp.7-8

table from which they agreed to adopt the Arusha peace and reconciliation agreement for Burundi and the ceasefires?

Effective negotiation also requires follow-up and implementation. To reach an agreement through negotiation is insufficient in itself. Parties perceived to have the potential to spoil the agreement unless their views are attended to by incorporating them, must be given attention, if at all, a negotiated agreement is to succeed. It is also crucial to put into consideration the number and importance of parties to a negotiation: “the greater number of parties to a negotiation, the more difficult it will be to reach any agreement at all. But only if the relevant parties and interests are included in the negotiations is the agreement reached likely to stick”⁴⁴. On what basis then, did the facilitators of the Burundi peace process go about excluding the rebel movements, who obviously were key stakeholders in the peace process, and whose interests were crucial in determining the success of the peace process? Responding to this, reveals the complexity in dealing with seemingly irreconcilable demands and conflicting interests of the Burundian warring parties.

Parties possess “the greatest degree of control when they are directly involved in decision-making, rather than handing responsibility wholly to an adjudicator”⁴⁵. This applies in cases where they negotiate without assistance or are helped by a neutral third party in the form of a facilitator, a mediator or an arbitrator in non-binding arbitration. In each of these cases, the responsibility to make the final decision lies with the conflicting parties. The essential differences between these processes are as follows:⁴⁶

- o Facilitation- where the third party assists the disputing parties by suggesting the procedures to be followed in negotiation;
- o Mediation- where the third party takes a more active role in brokering the negotiations; and
- o Non-binding arbitration- where the third party suggests a solution for their consideration.

⁴⁴ Ibid., p.8

⁴⁵ Roger Sidaway, ‘Alternative Dispute Resolution- The Contribution of Negotiation and Consensus Building’, in Roger Sidaway (ed.), Resolving Environmental Dispute: From Conflict to Consensus, Earthscan, London, 2005, p.88

⁴⁶ loc.cit

However, in practical terms the difference between these roles is not clear-cut, notably, between facilitation and mediation. The terms may be used interchangeably by third parties depending on individual preferences or styles. “A facilitator is always looking for consensus ... But consensus should not be the goal of a facilitated process ... The goal of facilitation should be to improve communication and increase understanding, not to reach agreement”⁴⁷. Generally, mediators search for agreement and in the process may be “more interventionist”. Both mediators and facilitators aim at observing neutrality, partly by not revealing their opinions or suggesting solutions⁴⁸. Analyzing SA’s diplomatic/political efforts in attempting to address the Burundi civil conflict, will single out its diplomatic approach that helped Burundian parties to reconcile their positions and thus embrace pacific means to address the civil conflict.

According to needs theories, in order to eliminate conflicts in society, there is need to place much emphasis on satisfying basic human needs. The theories argue that achieving a harmonious society is conditioned by needs-satisfaction⁴⁹. Burton argues that the behavioral interests in human needs are not bent on making the individual happier, though this may turn out to be true in the end. It is an attempt to search for necessary conditions on which social organizations can live in harmony. Problem-solving at any social level extending to interactions between states- can be fruitful only, when individual needs are taken as the basis of “analysis and planning”. More boldly, Burton posits that the emphasis on human needs as the basis of analysis and problem-solving is aimed at creating a stable and progressive society: meeting individual human needs facilitates an individual to function as an efficient unit within a social system, without which no social organization can exist harmoniously⁵⁰. Thus the link between needs satisfaction and social harmony suggests three things, first, that if basic human needs are met, then conflicts are inevitably rooted out. Conflicts

⁴⁷ Roger Sidaway, op.cit. p.66, cited in Moore, L., Beyond Basics: Facilitation Challenges, IAP2 Training Session, Tempe, AZ, 1998

⁴⁸ Roger Sidaway, op.cit. p.66

⁴⁹ Ramashray Roy, ‘Social Conflict and Needs Theories: Some Observations’, in John Burton (ed.), Conflict: Human Needs Theory, St Martin’s Press, New York, 1990, p.125

⁵⁰ John W. Burton, Deviance, Terrorism and War: The Process of Solving Unsolved Social and Political Problems, Martin Robertson, Oxford, 1979, pp.79-81

emerge due to systematic frustration and prevention of certain individual needs. Second, once analysis and planning are based on needs, it will be much easier to identify and deal with conflict. Thirdly, though, a variant of the second interpretation, it is argued that every conflict carries within itself an aspect of need satisfaction. Conflict breaks out as a failure to recognize certain needs of a particular group or though recognized, have been frustrated or unsatisfactorily fulfilled. Once the needs at hand are identified and legitimately recognized to require fulfillment, the course for conflict resolution is mapped out⁵¹. Applying the perspective to the Burundi situation, will enable us to appreciate the extent to which needs-satisfaction relates to the intractable conflict in Burundi, which over the years has defied all hope in a stable country where both Hutus and Tutsis would leave in harmony.

On the question of the nature of African civil conflicts, the research is informed by the theory of protracted social change (PSC). The theory refers to the “prolonged and often violent struggles by communal groups for such basic needs as security, recognition and acceptance, fair access to political institutions and economic participation”⁵². The basic assumption of the theory is that societies or political groups sharing a geographic entity engage in confrontation. The attractiveness of the PSC lies in its broader perspective in defining the causes of contemporary conflicts in Africa. The theory contends that Africa’s conflicts cannot be attributed exclusively to ethnicity or external forces as this limits the understanding of the complexity of the conflicts. The theory therefore suggests the use of a combination of factors in order to understand Africa’s intractable conflicts⁵³.

The study is also framed by scholarly and policy literature on intervention. The literature provides a framework from which questions of how, when and in what capacity intervention in a sovereign state can be legitimately carried out. Intervention is conceptualized to refer to “action taken against a state or its leaders, without its or their consent, for purposes which are claimed to be humanitarian or protective”. However, it extends to include other alternatives to military action notably, all forms

⁵¹ Ramashray Roy, *op.cit*, pp.126-127

⁵² Miall et al, *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts*, Polity Press, London, 2000, p.71

⁵³ Hussein Solomon, & Christo de Coning, C. 2000, ‘Enhancing the OAU Mechanism for Conflict Prevention, Management and Resolution’, *Politeia*, vol.19, no. 2000 p.35

of preventive measures, and coercive intervention measures like sanctions and criminal prosecutions⁵⁴.

The rationale for intervention for human protection lies in the need to protect civilians facing major catastrophes when the state in question is either unable or unwilling to bring the situation to an end, or is itself involved in perpetuating the situation. It is also based on the need to contain an internal situation that constitutes a threat to international peace and security. Further, intervention draws support from a broad spectrum of international legal instruments and principles such as fundamental natural law principles; the human rights provisions of the UN charter; the Universal Declaration of Human Rights and Additional Protocols on international humanitarian law, and many others⁵⁵. It is, therefore, appropriate to employ the literature as a basis for an operational framework to inform the daunting task of third party interveners in dealing with the complex nature of contemporary African conflicts.

1.6 Organization of Chapters

Chapter One: Background to the study

This is the introductory chapter that presents the aim of the research and specific objectives, and research questions. The chapter also discusses the justification for the research. The theoretical framework guiding the inquiry and methodology of the research are also presented in this chapter.

Chapter Two: Intervention in the Contemporary World

In this chapter I attempt to analyze the conceptualization and practice of intervention in the post-cold war world and how this has been shaped and influenced by the end of superpower rivalry. Also the chapter analytically looks at the concept of intervention and its implications on international norms of sovereignty and non-intervention; state

⁵⁴ Gareth Evans, et al, 'The Responsibility to Protect', Report of the International Commission on Intervention and State Sovereignty, Dec. 2001, p.8

⁵⁵ Ibid., p.16

security versus human security in the post-cold war era; and the re-conceptualization of peacekeeping in the post-cold war period.

Chapter Three: The Changing nature of African civil conflicts

This chapter makes a critical analysis of contemporary African civil conflicts by inquiring into factors that inform their dimensions, scope and intensity, and interrogates how this relates to the new world order. The chapter also attempts to critically explore different perspectives on the root causes of Africa's civil conflicts in the new international dispensation.

Chapter Four: The Burundi civil conflict

In this chapter I critically discuss the nature and characteristics of the Burundi conflict and its implications on international /regional peace and security. The discussion includes the historical evolution of the conflict; its root causes and effects on the neighboring countries. This chapter also attempts to critically analyze the effects of ethnic extremism/solidarity, as a feature of the Burundi conflict, on regional peace and stability. Also the chapter makes a critical examination of the Burundi peace process (that culminated in the Arusha Peace and Reconciliation Agreement for Burundi) and its implications on the long-lasting stability of Burundi.

Chapter Five: South Africa's Peace Mission and the civil conflict in Burundi

This chapter examines the diplomatic negotiation and mediation, and peacekeeping efforts of South Africa in helping to resolve the Burundi civil conflict. South Africa's motivation in intervening in the Burundi conflict is investigated within the context of its foreign policy on Africa and its national interests. The chapter also makes an assessment of SA's successes, and limitations encountered in its efforts to peacefully resolve the intractable conflict in Burundi.

**Chapter Six: Regional Organizations/Initiatives and Africa's Civil Conflicts:
South Africa's Search for a Diplomatic Solution to the Burundi Civil Conflict**

This chapter presents a brief discussion on the peace and security framework set up by the AU to respond to armed instability on the continent. Thereafter, the chapter investigates South Africa's engagement with the UN, AU and Regional Initiatives, aimed at resolving Burundi's intractable civil conflict.

Chapter Seven: Conclusion

This is the concluding chapter, in which salient findings of the study are presented in a concise form, the theoretical framework revisited, recommendations, and areas of possible further investigation suggested.

CHAPTER TWO:

INTERVENTION IN THE CONTEMPORARY WORLD

The chapter attempts to analyze the conceptualization and practice of intervention in the post-Cold War world and how this has been shaped and influenced by the end of superpower rivalry. Also the chapter analytically looks at the concept of intervention and its implications on international norms of sovereignty and non-intervention; state security versus human security in the post-Cold War era; and the re-conceptualization of peacekeeping in the post-Cold War period.

2.1 Intervention and the end of Superpower Rivalry

The end of superpower rivalry has created potential for consensus in the Security Council and has facilitated international intervention in global conflicts. This is reflected in the dramatic increase in the number and scope of military intervention⁵⁶. Superpower “disagreements no longer paralyse the UN” on intervention in regional and civil conflicts⁵⁷.

The end of the cold war has provided an opportunity for an increased number of United Nations interventions into ongoing conflicts⁵⁸. This, however, is dependent on whether or not the interests of the only superpower or any other member of the UN Security Council are preserved or promoted on intervention. For instance, a Security Council member will veto any decision to intervene in a given conflict in which its interest will be compromised. The decision to intervene is also influenced by the anticipated benefits to obtain on intervention in a given country. The failure to intervene in Rwanda during the 1994 genocide could support the preceding argument. This could similarly apply in case of Burundi, where hundreds of thousands of people have died in the face of the international community.

⁵⁶ Kofi A. Annan, ‘Peacekeeping, Military Intervention, and National Sovereignty in Internal Armed Conflict’, in Jonathan Moore(ed.), Hard Choices: Moral Dilemmas in Humanitarian Intervention, Rowman & Littlefield Publishers, INC., New York, Oxford, 1998, p.58

⁵⁷ Patrick M. Regan, ‘Choosing to Intervene: Outside Interventions in Internal Conflicts’, in Journal of Politics, vol.60, no.3, 1998, pp.754-779

⁵⁸ Paul F. Diehl, ‘United Nations Intervention and Recurring Conflict’, International Organizations, vol.50, no.4, Autumn, 1996, pp.683-700.

The new opportunity and capacity for collective action that emerged with the end of the Cold War has provided “a critically important dimension” to the current debate on intervention for human protection. The UN Security Council has for the first time since its establishment been provided with possibilities of achieving its envisioned role in the UN Charter. Although not without some drawbacks, this capacity of the Security Council was found to be real, when in the 1990s it authorized almost 40 peacekeeping or peace enforcement operations⁵⁹. The international Commission on Intervention and State Sovereignty recognizes that,

the issues and the preoccupations of the 21st century present new and often fundamentally different types of challenges from those that faced the world in 1945, when the United Nations was founded. As new realities and challenges have emerged, so too have new expectations for action and new standards of conduct in national and international affairs⁶⁰.

However, the “mandates and capacity” of international institutions have not corresponded with the emerging and pressing international needs. Most importantly, “the issue of international intervention for human protection purposes is a clear and compelling example of concerted action urgently being needed” to redefine international norms and reform institutions in order to march with international needs and aspirations⁶¹. Indeed, in order to launch successful humanitarian intervention, there is need to redefine international norms, for example, UN traditional peacekeeping norms which condition intervention until certain criteria (such as ceasefire, and consent by warring parties) have been met. This was the case in Burundi, where the UN refused to intervene before a comprehensive ceasefire was signed. Though, I do agree with the foregoing proposition of enabling effective international response to the daunting challenges facing the world, yet without a move to reconcile individual national interests with universal aspirations, there cannot be a concerted will that is very often required to launch successful interventions.

According to Annan, states’ conception of their national interests poses one of the key obstacles to effective intervention for human protection. Annan argues that since the

⁵⁹ Gareth Evans, et al, ‘The Responsibility to Protect’, Report of the International Commission on Intervention and State Sovereignty, Dec. 2001, p.7

⁶⁰ Ibid., p.3

⁶¹ loc.cit

world has changed in profound ways with the end of the Cold War, “a new broader definition of national interests is needed in the new century, which would induce states to find greater unity in the pursuit of common goals and values”⁶². How do we then explain a situation where national interests of states (especially in Africa) are at stake as a result of an on-going conflict in a neighbouring state, and yet such countries have remained passive? This raises the issue of financial/economic constraints as another key hindrance to launch effective intervention for human protection.

The superpower rivalry during the cold war had made a multilateral humanitarian intervention almost impossible to launch, but in the post-Cold War era, multilateralism emerged as one of the key considerations for humanitarian intervention or in order for any humanitarian intervention to earn legitimacy, it has to be multilateral in nature⁶³.

The end of the Cold War has enabled a fundamental shift in the concept of humanitarian intervention as well as its practice. This shift is informed by a number of factors. One of the key factors is the “changing nature of the international system”; the demise of superpower rivalry has to a considerable extent gotten rid of the “systemic constraints” on intervention in internal affairs of independent states⁶⁴. As the Cold War had made non-intervention an absolute term, with its demise norms providing for the protection of individual rights have widely gained approval. This created a conducive “political atmosphere” for launching interventions⁶⁵. Given the appalling humanitarian situation in Zimbabwe that was climaxed by President Mugabe’s urban restructuring program, which left hundreds of thousands of civilians without shelter and the means of survival, and in Darfur, Sudan where hundreds of thousands have been massacred by a militia group supported by the Sudan government, what then prohibits humanitarian intervention in such cases? This means that, in practical terms, the principle of non-intervention is as absolute as ever.

⁶²Kofi Annan, ‘International: Two Concepts of Sovereignty’, The Economics, vol.352, no. 8137, 1999, p.3

⁶³ Saban Kardas, ‘Humanitarian Intervention: The Evolution of the Idea and Practice’, Journal of International Affairs, vol.vi, no.2, 2001, pp.4-6

⁶⁴ Jack Donnelly, ‘Human Rights, Humanitarian Crisis, and Humanitarian Intervention’ in International Journal, vol.xlviii, no.1, Autumn 1993, pp.628,632

⁶⁵ Saban Kardas, op.cit., p.4

A significant number of post-Cold War interventions were, in most cases, regional or international in nature and were sanctioned by the U.N. Security Council resolutions. Even in non-U.N. interventions, interveners in some way or another associated their action to the U.N. Aside from increased U.N participation; multilateralism was another development that was a result of the demise of the Cold War⁶⁶. Conditions dictated by the Cold War had made a multilateral intervention difficult to achieve, however, in the post-Cold War era, multilateralism emerged as one of the key considerations for any humanitarian intervention or, according to Finnemore, “humanitarian intervention now must be multilateral to be legitimate”⁶⁷.

While the Secretary General acknowledges the importance of intervention in preventing gross and systematic violations of human rights, he argues that intervention must earn international consensus and should be seen to be legitimate and based on internationally accepted norms. On the one hand, Annan recalls the Rwandan genocide as a catastrophe that befell the world due to inaction of the international community, and on the other, he points out the dire consequences of the Kosovo conflict in which action less of international recognition and legitimacy were regrettable. This has subjected humanitarian intervention to a state of dilemma: “is it legitimate for a regional organization to use force without a UN mandate? On the other hand, is it permissible to let gross and systematic violations of human rights, with grave humanitarian consequences, continue unchecked?”⁶⁸. Though these are valid questions in search of justification for a coherent intervention policy, yet without responding to how the operation should be carried out whether or not it is sanctioned by the UN, is itself untenable to the resulting consequences of a conflict. Responding to this not only can provide a framework within which an intervention should be conducted, but also spells out specific activities of an intervening force, a goal that this research pursues by looking at the role played by external actors in their attempts to address Burundi’s intractable conflict.

⁶⁶ *Ibid.*, p.5

⁶⁷ Martha Finnemore, ‘Constructing Norms of Humanitarian Intervention’, in Peter Z. Katzentein (ed.), The Culture of National Security: Norms and Identities in World Politics, Colombia University Press, New York, 1996, p.176

⁶⁸ Kofi Annan, 1999, op.cit., p.1

Although the view of the UN Security Council on massive violations of human rights in a civil conflict constitute a threat to peace and security and, thereby, justify intervention, humanitarian actors are faced with serious concern regarding the legitimacy, level of damage, and mode of operations of the interventions⁶⁹. Responding to these concerns requires a contextual, legal, and operational framework within which interventions should take place. In other words, a framework defining the role of interveners in a conflict situation. If then gross violations of human rights constitute a threat to international peace and security and therefore justify intervention, what prevents the international community from launching interventions in order to stop civilian deaths and suffering? Or what motivates actors in having to intervene in precariously dangerous situations? Looking at SA's motive to intervene in Burundi, a country that is distant from SA and seemingly without strategic interests to benefit from, and also inquiring into policy guidelines of intervention by the AU and the UN within the context of the civil conflict in Burundi, will reveal justifications upon which intervention is based.

The world is in a new dispensation of "collective and multilateral management of international conflicts"⁷⁰. Since 1988 the U.N. has dealt with almost "twice as many conflict management activities than in all previous years combined"⁷¹. In addition to a number of peacekeeping missions, these activities include good offices support by the Secretary-General in Afghanistan, the Western Sahara, and in other conflict stricken countries, imposition of sanctions and military intervention⁷².

The zero-sum nature of the Cold War implied that intervention in civil conflicts during that era provided an increased expected payoff than a similar policy in the post-Cold War period. In the post-Cold War era, where ideological and bloc politics are unimportant matter, strategic interests are weighed down in the decision over

⁶⁹ Joelle Tanguy, 'Redefining Sovereignty and Intervention', *Ethics & International Affairs*, vol.17, no.1, 2003, p.141

⁷⁰ Ernst Haas, B., 'Collective Conflict Management: Evidence for a new World Order?', in Thomas G. Weiss(ed.), *Collective Security in a Changing World*, Boulder, Colo.: Lynne Rienner, 1993, p.63

⁷¹ Charles Kegley, W., Jr, and Eugene R. Wittkopf., *World Politics: Trend and Transformation*, 5th ed., St. Martin's, New York, 1995, p.532

⁷² William J. Dixon, 'Third-Party Techniques for Preventing Conflict Escalation and promoting Peaceful Settlement', in *International Organisation*, vol.50, no.4, Autumn, 1996, pp.653-681

intervention⁷³. Moreover, this has changed considerably since the 1993 American unsuccessful intervention in Somalia which left a number of Americans dead. To the extent that intervention now seems largely to be influenced by cost-benefit considerations of states. This could explain why the world looked on while hundreds of thousands were being killed after the assassination of the first democratically elected Hutu President in Burundi in 1993, and the subsequent 1994 Rwandan genocide that resulted in the massacre of over a million Tutsis and Hutu moderates.

Scott argues that the decision to intervene was based on ‘doctrinal policies and bureaucratic infighting’ by the United States and the Soviet Union in the Cold War⁷⁴. According to Blechman, intervention in interstate conflicts is motivated by morality. The international community is compelled to react in humanitarian crises involving famines and refugee flows⁷⁵. Refugee flows are likely to impose costs on national interests and thus interventions in civil conflicts with massive refugee flows are supported by international convention. For example, when national security is threatened by internal conflict in neighbouring countries, intervention is considered to be an option by a bordering country. The Soviet intervention in Afghanistan is a classical example of national security threat⁷⁶. Also intervention in civil conflicts is justified (by the Geneva Convention on Genocide) when there is evidence of mass killings, which could be translated into genocide, but why wasn’t intervention forthcoming in Burundi in the face of killings at that extent and massive refugee flows and internally displaced people? This raises the question of self-interest as a key consideration that motivates states’ desires to intervene in a given conflict.

⁷³ Patrick M. Regan, op.cit, pp.764-765

⁷⁴ James M. Scott, Deciding to Intervene: The Reagan Doctrine and American Foreign Policy, Duke University Press, Durham, NC, 1996, p.334

⁷⁵ Barry M. Blechman, ‘The Intervention Dilemma’, in Washington Quarterly, vol.18, no.3, 1995 pp.63-73

⁷⁶ Patrick M. Regan, op.cit, pp.756, 764

2.2. Intervention and International norms of Sovereignty and non- Intervention

Kardas observes that, during the Cold War intervention was regarded as illegal since it breached norms of sovereignty and self-determination.⁷⁷ The shift in focus of Article 2(4) to 2(7) of the UN Charter has subjected the provision to “reinterpretation”, whereby a government committing serious atrocities against its own people or a state collapsing into anarchy cannot invoke international law in defence of military intervention into its internal affairs⁷⁸. Will, therefore, a state unable to ensure the protection of sections of its population invoke international law in defence of military intervention? This calls forth to a detailed provision that accommodates all situations which subject the lives of civilians under serious threat. Consider, for example, the aftermath of the assassination of the first democratically elected Hutu President of Burundi, where hundreds of thousands died and with hundreds of thousands fleeing into neighbouring countries especially Tanzania, and thousands internally displaced, and where some parts of the country were a no-go areas: should intervention in such a state of affairs be hampered?

The Security Council increasingly regarded gross violations of human rights that were a result of civil conflicts as a breach of international peace and security and therefore warranting intervention. These interventions were often,

carried out in ways that raised more concerns than they addressed. Critics saw the right to intervene as the instrument of inconsistent, cruelly selective intervention policies, hijacked by the national interests and ethnocentrism of the more powerful states, in blatant contradiction to the principles of equality and sovereignty, and in dubious relation to the principle of self-determination⁷⁹.

This could be corrected by coherent and credible policy guidelines that allow for when and how intervention should be carried out in a given conflict situation. The policy should also provide for the specific purpose intervention is intended to address, which purpose should be geared towards addressing the root cause of the conflict.

⁷⁷ Saban Kadas, op.cit, p.5

⁷⁸ Christopher Greenwood, ‘Is There a Right of Humanitarian Intervention’, The Word Today, February 1993, p.40

⁷⁹ Joelle Tanguy, op.cit, p.141

Traditionally, humanitarian intervention refers to peaceful enforcement aimed at halting gross human rights abuses. Thus, if the U.N. sanctions humanitarian intervention, the purpose should be to address a human rights catastrophe and not other political objectives or interests⁸⁰. However, in the African context, debate over humanitarian intervention has broadened beyond humanitarian goals to include the “possibility of intervention to address a range of important political and other objectives, including whether intervention should also be considered where effective state authority has completely collapsed, where spill over effects threaten regional stability, or where democratization or democratic processes are threatened”⁸¹. Indeed, by simply addressing or halting the consequences of the conflict without aligning your efforts by dealing with the root of the conflict, it is synonymous to dealing with the symptoms of an illness rather than its diagnostically tested cause.

Africans have on many occasions been key proponents of intervention. However, the move toward intervention especially military intervention in the name of humanitarian and other purposes has not been generally accepted. The nature of past interventions has caused much concern leading to increased interest in the intervention debate especially for Africa. While effective action may be launched to save large numbers of populations or perhaps promote basic human rights, interventions that are poorly planned may prove more destructive than helpful, and may undermine the human norm of non-intervention and thus heighten the “likelihood and potential for conflicts between and among states”⁸². It should, however, be appreciated that humanitarian intervention purposed to prevent gross human rights violations, e.g., killings and rape in a war situation, will take a military form. As will be revealed by the current research, Burundi’s civil conflict demonstrates the need to adopt an intervention policy, which is suitable to the current international environment that we live in.

Humanitarian intervention is consistent with customary international law under certain circumstances and should be launched only when diplomatic and other peaceful means have failed, and the U.N. Security Council fails to launch an effective

⁸⁰ Richard Lillich, ‘Forcible Self-help Under International Law’, in 62 Readings in International Law from the Naval War College Review 135, 1980

⁸¹ Stanlake JTM Samkange, ‘African Perspectives on Intervention and State Sovereignty’, in African Security Review, vol.11, no.1, 2002, pp.73

⁸² Ibid., pp.73-74

operation, for example, as a result of a veto by a permanent member of the U.N.⁸³. Intervention aimed at defending human rights is recognized under customary international law if the criteria that follow are met: 1) a potential threat of genocide or other inhuman acts that violate international law; 2) an exhaustion of diplomatic and other peaceful means for defending rights that are at stake; 3) the absence of effective action by the U.N. or a concerned international agency; 4) a considerable use of force in relation to the threatened rights; 5) the controlled consequences on “authority structures” sufficient to defend the rights at stake; 6) the controlled involvement in a state’s internal affairs necessary to ensure the defence of the rights at stake; 7) a prompt withdrawal in line with the objectives of the operation; and 8) prompt and comprehensive reporting to the security council and compliance with regional directives set up by the security council⁸⁴. However, according to Charvet, humanitarian intervention as the most forceful means of defending human rights at an international level was inconsistent with non-intervention and state sovereignty⁸⁵. In as far as, humanitarian intervention is based on legitimate prerequisites for intervention and pursued within its intended purposes, it should not be seen to undermine norms of non-intervention and sovereignty.

According to Samkange intervening in order to promote humanitarian objectives has often been justified in overriding state sovereignty. In Africa, the debate goes beyond humanitarian goals to include intervention when a failed state threatens regional stability.⁸⁶ What about a situation where state authority is unable to control part of a country’s territory due to rebel activities, which often violate human rights and cause massive population displacements? Though, Burundi does not qualify as a failed state, the ongoing conflict makes the country fall within this category and, therefore, demands an inquiry into the role of intervention by third parties in addressing the conflict.

⁸³ Richard Lillich, op.cit., p.136

⁸⁴ James P. Terry, ‘Rethinking Humanitarian Intervention After Kosovo: Legal Reality and Political Pragmatism’, in The Army Lawyer, Aug. 2004, p.36

⁸⁵ John Charvet, ‘The Idea of State Sovereignty and the Right of Humanitarian Intervention’ in International Political Science Review, vol.18, no.1, 1997

⁸⁶ Stanlake JTM Samkange, ‘African Perspectives on Intervention and State Sovereignty’, African Security Review, vol.11, no.1, 2002, pp.73-76.

“In Africa, each conflict has unique causes and will require unique solutions. A case-specific approach will have to be taken in addressing internal war”⁸⁷. This implies that a decision to intervene militarily in Africa’s civil conflicts should reflect such reality. Yet, such a military intervention should be informed by a general framework of criteria that are in conformity with international law and regionally acceptable processes and norms⁸⁸. But given the devastating nature of most of Africa’s civil conflicts, the goal of military intervention should first and foremost focus on protecting the suffering civilian populations rather than focusing on the uniqueness of the causes and solutions of a particular conflict. However, in practical terms, what are the constraints that such an intervention is likely to encounter in the contemporary context, where international norms of sovereignty and non-intervention have been re-defined? This is investigated under chapter five, which looks at SA’s intervention in Burundi’s civil conflict.

In a world of anarchy with overwhelming inequality of power and resources, for many states sovereignty is considered to be their only guarantor of security. “For many states and people, it is a recognition of their equal worth and dignity, a protection of their unique identities and their national freedom, and an affirmation of their right to shape and determine their own destiny”⁸⁹. Recognizing that the principle that all states, regardless of their capabilities, are equally sovereign under international law was underscored as a “cornerstone” of the U.N. charter under article 2(1)⁹⁰.

However, the conditions under which the exercise of sovereignty is done and the practice of intervention takes place, have dramatically changed since 1945. Evolving international law has limited the actions of states, not only, in terms of human rights but in ways they treat their people. Moreover, currently a number of actors are playing international roles that were in the past exclusively preserved for states. Not even the key proponents of the defence of state sovereignty claim the unlimited power of a state to do what it pleases to its own people. Sovereignty, therefore, is conceived of having “a dual responsibility: externally– to respect the sovereignty of other states,

⁸⁷ Mary Locke, ‘African Perspectives on Intervention and Internal War’, African Security Review, vol.11, no.1, 2002, p.87

⁸⁸ Ibid., pp.88-89

⁸⁹ Gareth Evans et al, op.cit., p.7

⁹⁰ Department of Public Information, ‘Purposes and Principles’, in Charter of the United Nations, United Nations, New York, 1973, p.6

and internally, to respect the dignity and basic rights of all the people within the state”⁹¹. This, therefore, suggests that a state failing to observe the criteria above loses its sovereign rights by which intervention purposed to defend human rights is justified.

“Millions of people remain at the mercy of civil wars, insurgencies, state repression and state collapse”⁹². In the recent past, significant failures and successes have been registered, especially in the area of international intervention. There are ongoing fears regarding the acknowledgement of a “right to intervene”. In order for intervention for human protection purposes, including the option for military intervention, to gain legitimacy, it is necessary that the international community design “consistent, credible and enforceable standards to guide state and intergovernmental practice”⁹³. Experience in Somalia, Rwanda, Srebrenica and Kosovo, and interventions and non-interventions in many other countries, clearly reveals the need to comprehensively reassess the tools, devices, and conception of international relations in the new world order, in order to address the challenges of the 21st century⁹⁴. However, in order that this assessment registers meaningful results, it should be carried out in conjunction with the search for concerted will that is often the locomotive, which influences intervention policies. For instance, although the civil conflict in Burundi has killed hundreds of thousands since the country’s independence in 1962, the international community’s will to intervene was only implemented in 2004.

According to Evans et al, any new approach to intervention for human protection purposes needs to meet at least four basic objectives:⁹⁵.

- 1) To establish clearer rules, procedures and criteria for determining whether, when and how to intervene; 2) to establish the legitimacy of military intervention when necessary and after all other approaches have failed; 3) to ensure that military intervention, when it occurs, is carried out only for the purposes proposed, is effective, and is undertaken with proper concern to minimize the human costs and

⁹¹ Gareth Evans, *op.cit.*, pp.7-8

⁹² *Ibid.*, p.11

⁹³ *loc.cit*

⁹⁴ *loc.cit*

⁹⁵ *loc.cit*

institutional damage that will result; and 4) to help eliminate, where possible, the causes of conflict while enhancing the prospects for durable and sustainable peace.

However military intervention should be allowed some flexibility because in some cases it might be necessary to pursue/fight spoilers (parties) who have refused to join a peace process, in order to guarantee peace to the civilians whom the peacekeeping mission is purposed to protect. For instance, it is not unreasonable for the United Nations Operation in Burundi (UNOB) to enforce peace in the FNL's areas of operations since they have consistently refused to join the peace process. The current crisis in Eastern Congo where the UN forces are engaging in a confrontation with rebels, demonstrates the exercise of military intervention aimed to promote peace.

Respect for state sovereignty, that is, territorial integrity and political independence is fundamental to the stability, security, and progress of the international system⁹⁶. This is enshrined in article 2(7) of the U.N. charter: states are obliged not to intervene in affairs considered to be within the domestic jurisdiction of an independent state⁹⁷. Intervention for human protection purposes, including military intervention in severe situations, is justified when civilians are faced with catastrophe, and the state in question is not in position or is unconcerned with ending civilian suffering, or is itself the instigator. Such an internal situation interpreted to constitute a threat to international peace and security in order to justify enforcement action is provided under chapter VII of the U.N. charter. This emerging notion for military intervention for purposes of human protection also draws support from various legal instruments. These include fundamental natural law principles; provisions of human rights under the U.N. charter; the Universal declaration of Human Rights and the Genocide Convention; the Geneva Conventions and additional protocols on international humanitarian law; the Statute of the international Criminal Court; and many other international human rights and human protection agreements and covenants. The level of legitimacy attached to intervention usually requires responses to such questions like the purpose, means, exhaustion of other alternatives of resolving the conflicts, level of response in relation to provocative situation and the authorizing agency⁹⁸.

⁹⁶ Kofi A. Annan, 1998, op.cit. p.56

⁹⁷ Charter of the United Nations, op.cit. p.7

⁹⁸ Evans et al, op.cit. p.16

Intervention for human protection purposes has been conceptualized not to focus on the “right to intervene” but on the “responsibility to protect”: 1) The responsibility to protect focuses on the interests or needs of the vulnerable populations, rather than the intending interveners, in other words, the need to protect civilian populations from gross murder, women from systematic rape and children from starvation; 2) the responsibility to protect recognizes the state to possess the chief responsibility to protect its population. This responsibility is assumed by the international community when the state concerned is unwilling or unable to exercise it; 3) the responsibility to protect, not only, implies the “responsibility to react”, but the “responsibility to prevent and responsibility to rebuild”⁹⁹. However, in the case of Burundi, the responsibility to protect was not exercised in practical terms; while the UN peacekeepers, who are led by SA have chapter VII mandate to use force in an effort to protect civilians under imminent threat, they have not done so by deploying in areas where civilians are at high risk of rebels’ attacks.

The concept of sovereignty is based on the principle of non-intervention, which is an obligation binding other states from unsolicited involvement in the internal affairs of a state. Under article 2(4), the U.N. charter provides that, “all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state”¹⁰⁰. However, in case a state is unable to exercise fundamental obligations of its independence, which include ensuring security and fundamental human rights of all its population, that state compromises its right of non-intervention¹⁰¹. Has then the international community fully exercised the right of intervention in Burundi given that the state has to a great extent failed to live up to its obligations? The current research explores the extent at which this has been effected.

State sovereignty has been the central legal and ideological principle and “myth” guiding the world system since the 1648 Treaty of Westphalia¹⁰². In the world today

⁹⁹ loc.cit

¹⁰⁰ Charter of the United Nations, op.cit, p.6

¹⁰¹ James P. Terry, op.cit, p.36

¹⁰² Bruce Russett, ‘Ten Balance for Weighing UN Reform Proposals’, in Political Science Quarterly, vol.iii, no.2, Summer, 1996, pp.256-269

the exercise of state sovereignty has substantially been eroded¹⁰³. A number of factors ranging from voluntary to involuntary explain this trend: voluntary erosion of state sovereignty has occurred when international intervention has been launched to counter the repressive actions of a state on its citizens, for example Iraq, while involuntary state's sovereignty has been eroded when a state loses its ability to manage its national budget and foreign exchange rates, or its ability to control transnational environmental effects. Humanitarian catastrophes like massive refugee flows resulting from civil conflicts are likely to challenge the state's right of sovereignty, when they impose a threat to neighbouring states¹⁰⁴. This was the case in Burundi, although, the government of President Buyoya had rejected the decision to intervene by external troops, he had to succumb to international pressure based on the argument that, not only, had Burundi's civil conflict posed a threat to the civilian population but to the region.

Respect for state sovereignty and the principle of non-intervention in a state's internal affairs have over the years been central to international law¹⁰⁵. However, "state sovereignty has never been absolute"; it has often been subjected to constraints in other international relations norms or "formalized in international law"¹⁰⁶. The traditional concept of sovereignty is challenged when a sovereign state is unable to ensure basic necessities like political stability and an even distribution of resources¹⁰⁷. As long as this does not amount to a humanitarian catastrophe such as gross violation of human rights, the international community has no legal right to intervene in such a state to restore order as such issues are within a state's internal affairs.

Sovereignty has been reconceptualized as state responsibility to protect its "vulnerable populations". The international community assumes such responsibility only when the state in question has failed to exercise it. The focus is placed on the rights of populations in need rather than on the rights of the interveners. Therefore, since the state exercises the key responsibility to protect, so sovereignty remains a fundamental

¹⁰³ Hedley Bullard and Adam Watson, The Evolution of International Society: A Comparative Historical Analysis, Routledge, London, 1994

¹⁰⁴ Bruce Russett, op.cit., pp.259-269

¹⁰⁵ Malvina Halberstam, The Legality of Humanitarian Intervention, 3 Cardozo J. Int'l & Comp. L.1,2, 1995

¹⁰⁶ Richard Lillich, op.cit., p.135

¹⁰⁷ James P. Terry, op.cit., p.36

principle. Only when a state is not able or intently fails to exercise the responsibility to protect, does an international obligation to rescue civilians facing harm triumph over the rights of the sovereign state, and does the principle of non-intervention passed on to an international responsibility to protect¹⁰⁸. However, events in Darfur clearly suggest that the government of Sudan has intently failed to exercise the responsibility to protect; hundreds of thousands of civilians have been killed by Janjaweed militias, who are supported by the government in Khartoum. Why hasn't then the international community assumed such responsibility without necessarily having to seek consent from Khartoum? Could this suggest that the newly defined international norms designed to protect innocent civilians facing catastrophe are no less than mere rhetoric- lacking in force to implement the decision of the international community?

2.3. State Security versus Human Security in the Contemporary era

Security is facing new challenges in the contemporary world. In the past, security threats were seen to be a result of external factors. The key concerns of state security were to ensure the protection of a state's boundaries, people and institutions from external attacks. Understanding of state security and various threats has broadened in the last decades. In addition to protection of borders, people, and institutions, recognition of threats posed by environmental pollution, international terrorism, massive population displacements and endemic diseases like HIV/AIDS, has come to the fore. This redefinition of security is a reflection of the changing nature of international and national environments. Intra-conflicts have overtaken interstate conflicts as the major threat to international peace and security¹⁰⁹.

The U.N. charter in its preamble "reaffirms faith in fundamental human rights, in the dignity and worth of the human person". As part of the U.N. purpose, article 1(2 and 3) of the U.N. charter acknowledge the principle of equal rights, and promotion of respect for human rights and fundamental freedoms without discrimination. As a protective measure of these purposes, article 56, of the U.N. charter states that, all

¹⁰⁸ *Ibid.*, pp.16-17

¹⁰⁹ Sadako Ogata & Amartya Sen, 'Human Security Now', in Human Security Now: Protecting and Empowering People, Commission on Human Security, New York, 2003, p.5

member states pledge to undertake joint and individual action in cooperation with the U.N. for their achievement¹¹⁰. According to the preamble of the Universal declaration of Human Rights, “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”. Under its article 1, “all human beings are born free and equal in dignity and rights”, and article 3 states that “everyone has the right to life, liberty and the security of person”¹¹¹.

According to Annan, the new conception of a state’s sovereignty is “widely understood to be an instrument in the service of the state’s peoples”. The aim of the U.N. charter is “to protect individual human rights, not to protect those who abuse them”¹¹². The pursuit of fundamental human rights by considerable numbers of people around the world “often contradict the foundational norms of the nation-state system”, that is, national sovereignty and non-intervention in the internal affairs of a country. On the one hand, it is argued that every human being, by virtue of being human, has certain basic rights in relation to all other humans and that governments exist to protect these rights. By implication, all human beings have a claim to natural rights, whereas governments and other governing structures simply have “artificial and recallable powers”. On the other hand, there is a prevailing view placing much emphasis on the state- arguing that as individual human rights are dependent on “a stable and durable community”, then independent national states should be recognized as “agencies of public order and justice and also the legitimate authorities for arbitrating among competing human rights claims”¹¹³. However, it is not always the case that individual human rights are dependent on a stable and durable community; while this could apply in a given section of a state’s population, it may not be the case in the other, where individual human rights are compromised by prevailing dire circumstances. In this regard, consider the situation in northern Uganda where people live in unbearable conditions- in camps because of fear of rebel attacks while the rest

¹¹⁰ Charter of the United Nations, op.cit. pp.3-5

¹¹¹ United Nations, ‘Social, Humanitarian and Cultural Questions’, in Yearbook of the United Nations 1948-49, Department of Public Information, Lake Success, New York, 1950, p.535

¹¹² B. Mostaghimi, ‘The Impact of Human Rights on Sovereignty: The International Aspect’, in International Seminar on State Sovereignty in the 21st Century: Concept, Relevance and Limits, IDSA and ICWA, New Delhi, July 23-24, 2001, p.81

¹¹³ Seyom Brown, ‘World Interests and the Changing Dimensions of Security’, in Machael T. Ware & Yogesh Chandrani(eds.), World Security: Challenges for a New Century, 3rd Ed., St. Martin’s Press, New York, 1998, pp.9-10

of the country is stable. Given that this has been ongoing for over 18 years, the state in that instance loses its legitimate authority to ensure public order and justice and the authority to arbitrate among competing human rights claims. Burundi had a similar experience; people were herded in camps, whereby they had to endure severe conditions, in an attempt to prevent rebel recruitments in the countryside, but the international community exerted pressure on the government and thus abandoned the practice.

Moore observes that “human security entails eliminating threats to the security of individuals, groups, and societies, in addition to that of states”¹¹⁴. According to the Commission on human security, human security is complementary to state security in four ways¹¹⁵:

1) Its concern is the individual and the community rather than the state; 2) menaces to people’s security include threats and conditions that have not always been classified as threats to state security; 3) the range of actors is expected beyond the state alone; 4) and achieving human security includes not just protecting people but also empowering people to fend for themselves.

Human security “broadens the focus from the security of borders to the lives of people and communities inside and across those borders”¹¹⁶. It is meant to ensure the security of people and not simply ensuring territorial boundaries against external aggression. And unlike traditional approaches that exclusively entrust the state with state security, the process of human security includes a bigger constituency of “actors and institutions- especially people themselves”¹¹⁷.

One of the key defining features of the post-Cold War era is the reconceptualization of “national security away from its traditional narrow realist paradigm preoccupation with state security to human security in all its multifaceted dimensions”¹¹⁸. Seemingly, there has been a shift away from “statist approaches” to security to a “new

¹¹⁴ Candice Moore, ‘Democratic Governance and Peace: Two Sides of the Same Coin?’, in Centre for Policy Studies, Policy Brief, no.27, April 2003, p.2

¹¹⁵ Sadako Ogata & Amartya Sen, op.cit., p.4

¹¹⁶ Ibid., p.6

¹¹⁷ loc.cit

¹¹⁸ Severine M. Rugumamu, op.cit., p.4

security paradigm”. This is crucial as it interrogates who holds power, how it is exercised, and in whose interests it serves. The primary beneficiaries of the new security paradigm are the people- parties, and organs of the civil society. Moreover, the emerging security paradigm also includes non-military threats to national security like poverty, disease, environmental issues, and democratic governance. The primacy of human security over state security informs the daunting task of multinational interventions aimed at resolving severe conflicts and thereby protecting the suffering civilian populations without seeking consent of warring parties¹¹⁹. In practical terms, however, state security still holds supremacy over human security and, therefore, this constrains international interventions purposed to protect civilians under serious threat. For instance, Sudanese government refusal to allow the deployment of UN troops citing a threat to state security posed by the UN troops– in the event that they intervene in the fighting between rebels and government-backed Janjaweed militias, leaves civilians in Darfur in catastrophic humanitarian conditions and therefore compromises human security. Moreover the ban on night movements by the government of Burundi that was placed on UN peacekeepers prevented them from monitoring and verifying civilian killings, which were often carried out during night hours.

The commission on intervention and state sovereignty defines human security as “the security of people- their physical safety, their economic and social well-being, respect for their dignity and worth as human beings, and the protection of their human rights and fundamental freedoms”¹²⁰. The increasing acknowledgement by the international community that security concepts must centre on both people and states has marked an important shift in international thinking during the recent past. The Commission also recognizes that sovereignty and intervention not only they significantly affect rights of states but more so individual human beings. Thus the emphasis in the security debate has shifted to focus more on human security, in terms of accessibility to basic needs like food, employment and sound environmental factors, rather than on state security- ensuring the security of its borders and governmental structures through armaments. The fundamental components of human security, which are the

¹¹⁹ Buzan Barry, *People, States and Fear*, 2nd Ed., Co: Lynne Rienner, Boulder, 1991, pp.18-21; Severine M. Rugumamu, ‘Post-Cold War Peace and Security Prospects in Southern Africa’, SAPES Occasional Paper Series, no.5, 1993

¹²⁰ Gareth Evans et al, *op.cit*, p.15

“security of people against threats to life, health, livelihood, personal safety and human dignity”, can be threatened by outside forces in as much as internal forces. The right to intervene conceptualized as the responsibility to protect focuses on providing protection or assistance to civilians faced with severe humanitarian conditions¹²¹.

State security is based on state sovereignty, non-intervention in internal affairs of a state and non-aggression. However, how does state security ensure human security within that state?¹²² In terms of relations between states, state security implies state protection and preservation through military means¹²³. While, human security means “a situation in which the life, the body and the socio-economic-political well-being” of an individual are protected through the “use of physical force”. The evidence of “death, disease, starvation, slavery, imprisonment, homelessness, abject poverty, political oppression and cultural deprivation”, on a gross scale and on a prolonged basis, involves human insecurity. Therefore, by implication, human rights constitute the basis of human security¹²⁴.

As state security involves ensuring the protection of the people (human security), territorial integrity, the system of government, and the political independence of a state, conflicts between the four roles is bound to emerge. State security may not always promote human security. For example promotion of human rights cannot be guaranteed by tyranny. Human security is dependent on state security. For instance, a weak state or a state which is unable to control all its territory cannot ensure the well-being of its people. In some instances, human security “may necessitate sacrifice of state security”. For example, a state may “surrender to an aggressor” or may lose part of its territory for the sake of ensuring the protection and well-being of its people¹²⁵. However, state security in some respects is dependent on human security in the sense that severe conditions afflicting human security, e.g., political repression and exclusion, and abject poverty, could lead to insurrection against state establishments and, therefore, cause state insecurity. Most rebellions against states in Africa and

¹²¹ loc.cit

¹²² M.V. Naidu, ‘State Sovereignty, Human Security and Military Intervention’, in International Seminar on State Sovereignty in the 21st Century: Concept, Relevance and Limits, IDSA and ICWA, New Delhi, July 23-24, 2001, p.51

¹²³ M.V. Naidu, Dimensions of Peace, MITA Press, Ontario, 1996, pp.176-178

¹²⁴ M.V. Naidu, 2001, op.cit, p.51

¹²⁵ Ibid., pp.51-52

elsewhere, including the one in Burundi are launched as a result of this and many other severe conditions against human security.

Acknowledging that “the physical security of a state is not synonymous with the security of its peoples”, it is suggested that Africa must employ new methods of addressing conflicts involving “topography and demography”. A responses to this is bound to be located in the broader framework of socio-economic development and not in pursuit of state security as realism dictates. In recent times, Africa has redefined its security concerns by focusing on broader geo-political considerations. In this regard, the 1992 Organisation of African Unity (OAU) Summit of African heads of state and government in Dakar, Senegal, acknowledged in its communiqué that “there is a link between security, stability, development and cooperation in Africa”¹²⁶. This is true considering that the civil conflict in Burundi paralysed development initiatives in the country and trade between Burundi and neighbouring countries. Also because of ties between Burundian rebels and the Mai Mai and Rwandan militias and former Rwandan government soldiers in the DRC, the conflict destabilised regional stability.

Further, this thinking is clearly articulated in the Kampala document, which is a joint effort by the secretariats of the OAU, the U.N. Economic Commission for Africa, and the African Leadership Forum. The document states that:

The concept of security goes beyond military consideration. It embraces all aspects of the society including economic, political and social dimensions of individual, family, community, local and national life. The security of a nation must be construed in terms of the security of individual citizen to live in peace with access to basic necessities of life while fully participating in the affairs of his/her society in freedom and enjoying all fundamental human rights¹²⁷.

From the above perspective any situation that seriously undermines human security by implication, it means a failure in state security and, therefore, in terms of the responsibility to protect calls forth to international intervention with an aim to alleviate the suffering of the people. On the other hand, the perspective enhances

¹²⁶ Ibrahim A. Gambari, ‘The Role of Regional and Global Organisations in Addressing Africa’s Security Issues’, in Edmond J. Keller and Donald Rothchild (eds.), Africa in the New International Order: Rethinking State Sovereignty and Regional Security, Lynne Rienner Publishers, Inc., Boulder, London, 1996, p.33

¹²⁷ African Leadership Forum, ‘The Kampala Document: Towards a Conference on Security, Stability, Development and Cooperation’, African Leadership Forum, New York, 1992, p.9

primacy of the state security over human security by which the latter is directly dependent on the former; in other words, human security can only be attainable when there is assurance of state security. However, as has been argued above the two are interdependent as there cannot be sustained state security in the face of human insecurity even in a purely autocratic state.

2.4 UN Peacekeeping in the Contemporary World

The United Nations was founded in order to “save succeeding generations from the scourge of war”¹²⁸. According to Brahimi et al, this is the central function of the U.N., and to a large extent, it is the basis upon which it is judged. In order to meet this challenge the following must be put under consideration: renewed commitment of member states; comprehensive institutional change; and increased financial resources. In effect, this would facilitate “critical peacekeeping and peacebuilding” obligations assigned to the U.N. by the member states¹²⁹. For instance, institutional change could take the form of revisiting norms governing traditional peacekeeping in order to reflect the current international dispensation, where norms of non-intervention and sovereignty have been reconceptualised. In the case of Burundi, for example, traditional peacekeeping blocked the UN from intervening, particularly, because of the absence of a ceasefire between the government of Burundi and the rebels.

Peacekeeping emerged as a United Nations quest for encouraging and supporting nations to resolve differences through peaceful means. Peacekeeping started in 1948 with the formation of the state of Israel and the commission of the United Nations Truce Supervision Organisation (UNTSO), which included unarmed military observers to support and promote the armistice between Israel, Lebanon, Syria and Egypt¹³⁰. Peacekeeping or preventive diplomacy, as some prefer to call it, has been regarded by the international community as the primary approach in resolving international disputes¹³¹. Peacekeeping is defined as:

¹²⁸ Charter of the United Nations, op.cit. p.3

¹²⁹ Lakhdar Brahimi et al, ‘Report of the Panel on United Nations Peace Operations’, United Nations, A/55/305-S/2000/809, Aug. 2000, p.1

¹³⁰ John Sanderson, ‘The Changing Face of Peace Operations: A view from the Field’, in Journal of International Affairs, vol.55, no.2, Spring 2002, pp.277-288

¹³¹ Paul F. Diehl, ‘Peacekeeping Operations and the Quest for Peace’, in Political Science Quarterly, vol.103, n0.3, Autumn, 1998, pp.485-507

the prevention, containment, moderation, and termination of hostilities between or within states, through the medium of a peaceful third party intervention, organized and directed internationally, using multinational forces of soldiers, police, and civilians to restore and maintain peace¹³²

In the strict sense, peacekeeping entails a third party playing the role of an “impartial referee” in order to address a conflict or dispute between two or more parties¹³³. Peacekeeping and enforcement operations are based on the U.N. charter providing for the maintenance of peace and security¹³⁴. Then, what form can peacekeeping or third party intervention take in a situation as in Burundi, where one party has not embraced the peace process- not a signatory to the ceasefire and continues to threaten the security of civilians? Chapter six covers this through a consultative effort with third parties involved in the Burundi peace process.

Until the end of the Cold War, United Nations peacekeeping operations largely had “traditional ceasefire-monitoring mandates” without peace building tasks. The “entry strategy” or the procedure that was to be followed before any deployment of United Nations was straightforward: War, ceasefire, invitation to ensure compliance of ceasefire and deployment of military observers or forces to implement the same, while efforts to search for a political settlement was undergoing. But traditional peacekeeping, which deals with the symptoms rather than the root cause of conflict, lacks a “built-in exit strategy” and the associated peacemaking was almost unable to produce desired results. As a consequence, traditional peacekeepers have remained in place for up to 50 years (for example, in the Middle East and India/Pakistan). However, since the end of the cold war, United Nations peacekeeping has in most cases been integrated with peace building in complex peace operations deployed under intra-state conflict situations. Thus, risks and costs for operations under such settings are much greater than for traditional peacekeeping¹³⁵. While peace building is

¹³² Indarjit Rikhye et al, The Thin Blue Line: International Peacekeeping and Its Future, Yale University Press, New Haven, 1974, p.11

¹³³ Mamika Maurice, ‘The Rules of the Game: The Three Guiding Legal Principles of Peacekeeping’ in Peacekeeping and International Relations, vol. 25, no.1, Jan 1995, p.3

¹³⁴ Anonymous, ‘U.N. Peacekeeping: Some Questions and Answers’, in United Nations Chronicle, vol. 34, no.2, 1997, pp.64-65

¹³⁵ Lakhdar Brahimi, op.cit, p.3

crucial in the aftermath of violent conflict as a measure to build trust in the former warring parties and, therefore, helpful to resolve the root causes of conflict, essentially, peacekeeping devoid of traditional criteria, e.g., deployment of troops in a conflict situation not dictated by a ceasefire in place, could serve to promote the key purpose of the UN, which is to save civilians from the plague of war. For instance, had South African troops not deployed in Burundi when the UN refused to deploy in absence of a ceasefire, the situation could have exploded and possibly leading to extensive killings or, ongoing negotiations would have stalled and, thereby, prolonging the peace process.

Traditional peacekeeping where the U.N. is entrusted with the task of monitoring and promoting an agreed ceasefire is in this era difficult to implement in civil conflicts whose ceasefires are largely unobserved by warring parties¹³⁶. This was the case in Burundi, where fighting ensued in almost all parts of the country even after signing of the ceasefire by the warring parties. Therefore, unless there is change in approach in promoting peace, this will defeat the very purpose of protecting civilians, which the peacekeepers are entrusted to do.

The U.N. Security Council “is only as effective in conflict management as the permanent members want it to be”. For instance, the U.S. strong leadership was crucial in mobilizing a successful campaign against Iraq’s invasion of Kuwait. In Kosovo, Security Council strong differences were a result of NATO’s military operation without the Council’s approval. In other cases, contradictory resolutions negatively affected the implementation exercise. Unless the permanent members of the Security Council agree on a strategy “to improve the staffing, structure, and purpose of peacekeeping”, the Council will continue to pass resolutions that are ineffective¹³⁷. Not only, will the disagreement by members of the Security Council lead to ineffective resolutions, but delays in passing resolutions to deal with complex humanitarian situations could lead to another Rwanda. Perhaps, there is need to revisit the right of veto by permanent members of the UN Security Council in order to address such impasse. As a matter of fact, although, the UNOB had a chapter VII mandate, the mission had insufficient resources to fulfil its mandate.

¹³⁶ Anonymous, ‘Peacekeeping at Bay’, in The Economist, vol.330, no.7849, Feb. 5, 1994, p.15

¹³⁷ William H. Luers, ‘Choosing Engagement’ in Foreign Affairs, vol. 79, no.5, Sept/Oct. 2000, p.9

In the past, peacekeeping was easily implemented; an armed force that was lightly equipped and which observed the principle of neutrality, occupied a buffer zone-separating the two warring state parties. Both confronting parties consented to the force, whose task was to monitor a ceasefire that had already been agreed upon. The mandate of the force was to “keep peace” while a negotiated settlement to the conflict was being pursued (for example, the peace Mission in Cyprus). On the contrary, peacekeeping has become an extremely complex activity; peacekeepers have been sent to countries where there is no ceasefire agreement, consent of warring parties, and the government is unable to control all its administrative territory, or government is inexistent¹³⁸. In such cases, peacekeeping by implication turns into peace enforcement; peacekeepers have got to engage with peace spoilers in an effort to enforce peace and thus, ensure protection of the civilians. This implied that by deploying in Burundi without the consent of the rebels, with the FNL outside the peace process, amounted to a declaration of war against the rebel forces. Eastern Congo, where the UN forces are directly involved in fighting with the rebels epitomises the preceding argument.

Peacekeeping operations have failed to address their designed purposes due to the less commitment by capable states in assuming a meaningful role. Their rhetoric in strengthening peacekeeping is not matched with necessary resources. One of the key problem that is facing peacekeeping is the failure on the part of the U.N. Security Council to operate within the context of the new world order. This is premised on the possibility in responding to conflicts that the end of superpower rivalry created, which in practice, is lacking¹³⁹. Since the ideological differences that paralysed the UN in dealing with conflicts came to an end with the collapse of the Soviet Union, perhaps, the reluctance by the UN Security Council in responding to conflicts in the post-Cold War era suggests that there are no strategic interests that motivate members into action. Conversely, members could be motivated to respond to conflicts only when there are immediate interests to be gained. The Kuwait-Iraqi conflict of 1991 and the 1994 Rwandan genocide are classical examples to illustrate the argument; while a number of countries through the leadership of the US and with overwhelming support

¹³⁸ Boutros-Ghali Boutros, ‘The United Nations Today’, in Vital Speeches of the Day, vol. 61, no. 19, Jul. 1995, p.581

¹³⁹ Abdul Omar, ‘The Lingering Question of U.N. Peacekeeping’, in Peacekeeping and International Relations, vol. 29, no.3/4, May-Aug 2000, pp.2-3

from the UN Security Council intervened in the former, none were willing to risk their troops in the latter case.

According to Claude, the major problem confronting peacekeeping is the lack of political will by key nations in the U.N. Security Council: Claude argues that the problem does not lie in the shortage of human and material resources based on the fact that there are over 25 million soldiers in the world, and that states “devote \$1,000 billion annually towards their military budgets”. Nations are unwilling “to sacrifice their soldiers for a cause that is not relevant to their national interests”¹⁴⁰. What then constitutes national interests? Since most of the nations are signatories to a number of international conventions prohibiting human rights abuses, then any action that undermines such rights would by virtue of that constitute a concern within their national interests and should, thereby, call forth to intervention. In another sense, this could imply that nations are driven by economic benefits and less of humanitarian concerns in their desire for peacekeeping.

While traditional peacekeeping was consistent with the U.N. charter’s provision on non-intervention in the internal affairs of independent states, new peace operations have been justified on humanitarian grounds. Recent U.N. operation with the purpose of executing Security Council resolutions without the consent of the warring parties, has been referred to as peace enforcement¹⁴¹. Thus, this implies that in the current international environment, peace missions/operations are guided by a redefinition in international norms of sovereignty and non-intervention.

Although peacekeeping is not impossible in civil conflict, it is nevertheless faced with difficulties under such settings. Peacekeeping operates in favour of the challenged government when through a ceasefire the government gains “political capital” in the eyes of a population exhausted from conditions of instability. Peace implies, in the perspective of the rebel groups, the preservation of the status quo. Unless that perception is reconciled, warring parties will interpret peacekeeping efforts as

¹⁴⁰ Beauregard Claude, ‘National Hesitation and Peacekeeping’, in Peacekeeping and International Relations, vol. 23, no.2, Mar 1994, p.15

¹⁴¹ Norman Bowen, ‘The Future of United Nations Peacekeeping’, in International Journal on World Peace, vol. 14, no.2, Jun 1997, pp.3-30

operating against their cause¹⁴². This was the initial perspective of the FDD rebels regarding peacekeepers; they claimed that the external forces were in support of the government, however, their hopes were raised when it was clear to them that they would win an election that was due to be organised.

The panel on United Nations peace operations upholds principles of peacekeeping, which are “consent of the local parties, impartiality and use of force only in self-defence”, to be the guidelines of peacekeeping¹⁴³. Based on UNTSO formed in 1948 to monitor the armistice between Israel, Lebanon, Syria and Egypt, and UN-MOGIP established in 1949, which exist until to date, Sanderson argues that this is proof that “traditional peacekeeping does not solve disputes, but creates an atmosphere that prevents the situation from worsening and enables the possibility of progress”¹⁴⁴. Moreover, traditional peacekeeping could compromise the lives of civilians in cases where warring parties have failed to respect the ceasefire or in the case of Burundi where one party has refused to join the peace process (the FNL in this case) and therefore not a party to the ceasefire.

In the Cold War era, a significant number of the U.N. peacekeeping operations were easily implemented and problems relating to the operation were addressed by operations officers. But in the post-Cold War world, they are “composite, multi-faceted and potentially more dangerous”, and member states contributing troops are increasingly more demanding¹⁴⁵. This development is likely to compromise the internationally recognised responsibility of humanitarian intervention and, thereby, subject civilian populations facing humanitarian catastrophes to danger. This was reflected in the 1994 Rwandan genocide, where as a result of the failure of international intervention (peace enforcement), over a million people were brutally massacred in a period of three months.

Boutros states that “the bureaucratic and diplomatic structures of the United Nations remain not only unsuitable but almost inimical to putting together peacekeeping operations that go beyond the norms of classical peacekeeping”. In light of the nature

¹⁴² Paul F. Diehl, *op.cit.*, pp.485-507

¹⁴³ Lakhdar Brahimi, *op.cit.*, p.9

¹⁴⁴ John Sanderson, *op.cit.*, pp.277-288

¹⁴⁵ Anonymous, ‘Polishing Blue Helmets’ in *The Economist*, vol. 327, no. 7809, 1 May 1993, p.39

of conflicts confronting the post-Cold War era, Boutros questions the relevance of peacekeeping operations which remains informed by norms of traditional peacekeeping. He further questions the insistence of using U.N. peacekeeping as a conflict preventative tool without undergoing transformation. Bosnia and Rwanda are classic cases of the ineffectiveness of peacekeeping. As a corrective measure to the ineffectiveness of peacekeeping, there is need for a new strategy of peacekeeping as much as, additional resources are¹⁴⁶. Promoting humanitarian intervention in the post Cold-War era while continue to observe classical peacekeeping norms, challenges the notion of intervention for human protection. For instance, it will be difficult, if not impossible, to seek to launch intervention to rescue civilians caught up in a deadly conflict situation while at the same time demanding that a ceasefire be signed and observed before a peacekeeping force is deployed, or will it be practical for an external force to observe neutrality at the face of civilians under imminent threat when you are attempting to protect them?

Challenges facing the new United Nations peace operations, among others, include: 1) financial difficulty- dramatic increase in the cost of peacekeeping operations together with an unwillingness of a number of nations to pay their assessments in time; 2) the absence of early warning mechanisms and pre-crisis intervention; 3) mission definition- unclear objectives and adequacy of the means to implement the mission; 4) the constitution of the Security Council and its mandate in peace operations- unwillingness of the U.N. in restructuring the Security Council in order to better represent the geographic dimension of its members and to reflect the shifts in economic and political power since the end of world war II; 5) mal administration of peacekeeping- lacking in “promptness of response, an adequate command structure, the composition and training of peacekeeping forces”, and the choice of adequate equipment¹⁴⁷. It is early warning mechanisms that will influence the promptness of response to peacekeeping operations and, thereby, reduce incidences of potentially dangerous conflicts that could otherwise escalate causing much destruction to both humanity and property. Because of the severity of post-Cold War conflicts, it is

¹⁴⁶ Boutros-Ghali Boutros, ‘The Illusions of Peacekeeping’, in World Policy Journal, vol. 11, no.3, Fall 1994, p.1

¹⁴⁷ Norman Bowen, op.cit., pp.3-30

crucially important that peacekeeping operations should be well equipped in order to withstand any threat that could undermine mission objectives.

In a joint statement by the permanent members of the UN Security Council on the millennium Summit, members recognized the daunting challenges facing the UN and the world community and realized the need for quicker responses, which are more targeted and better coordinated in order to address the challenges. Recognizing also the fundamental shift over the past decade in the nature and number of international conflicts demanding the UN involvement, members pledged to make structural reforms in the UN system in order to reflect this change. This commitment is placed in strengthening UN peacekeeping by endowing it with both operational and financial resources and hence be able to meet the challenges it faces¹⁴⁸. Indeed one of the major challenges facing intervention in the post-Cold War period is lack of resources in form of military and financial. However, this must be accompanied by the will and resolve of the UN Security Council members to confront complex conflict situations which often involve a number of warring parties with irreconcilable interests and conflicting demands, and in whose interests, peace is an unrewarding dividend. Thus, in such cases, of which Burundi was a party, the Security Council must be willing to go beyond observing traditional peacekeeping norms and launch peace enforcement in form of humanitarian intervention for civilian protection.

Thus, to recap the arguments above, the demise of superpower rivalry has created potential for consensus in the Security Council and has enabled international intervention in global conflicts. This is reflected in the dramatic increase in the number and scope of military intervention. In the post-Cold War era, where ideological and bloc politics are unimportant matter, strategic interests are weighed down in the decision over intervention. However, intervention is interest-driven with respect to Security Council members especially the US as the sole superpower. This has resulted into failure to launch intervention for human protection leading to mass killings like the 1994 Rwandan genocide. A shift in focus of Article 2(4) to 2(7) of the UN charter has reconceptualised norms of sovereignty and self-determination to enable intervention for human protection. When a state is unable to ensure protection

¹⁴⁸ Anonymous, 'Strengthening Peacekeeping', vol.36, no.36, 2000, pp.1-3

and fundamental human rights of all its population, it compromises its right of non-intervention. Humanitarian intervention is consistent with customary international law under certain circumstances and should be launched only when, peaceful means have failed, and there is lack of consensus in the U.N. Security Council due to exercise of right of veto. The primacy of human security over state security in the post-Cold War era informs interventions in severe conflicts aimed to protect civilians experiencing catastrophe. Since the end of the Cold War, peacekeeping has in most cases been integrated with peace building in complex peace operations deployed under intra-state conflict situations. While traditional peacekeeping was consistent with the U.N. charter's provision on non-intervention in the internal affairs of independent states, new peace operations have been justified on humanitarian grounds. However, traditional peacekeeping, where an external force is mandated to monitor and promote an agreed ceasefire is in the contemporary era difficult to implement in civil conflicts whose ceasefires are largely unobserved by warring parties. Does the unfolding international dynamics at the dawn of the new international system, which has been occasioned by the end of the cold war, inform the escalation of civil conflicts in Africa? The following chapter will look at the nature of Africa's civil conflicts and interrogate how it relates to these dynamics.

CHAPTER THREE: THE CHANGING NATURE OF CONTEMPORARY AFRICAN CIVIL CONFLICTS

This chapter critically analyses contemporary African civil conflicts by inquiring into factors that inform their dimensions, scope and intensity, and interrogates how this relates to the new world order. The chapter also attempts to critically explore different perspectives on the root causes of Africa's civil conflicts in the new international dispensation.

3.1 Post-Cold War African Civil Conflicts

The nature of post-Cold War intra-conflicts in Africa created massive refugees into neighbouring countries, a situation that destabilized sub-regional political and socio-economic sectors. In some cases, intra-state conflicts have resulted in support for any one of the warring parties by neighbouring countries.¹⁴⁹ According to Abubakar, conflicts on the African continent are characterized by massive destruction and alarming magnitude. "Africa holds unenviable record of having more conflicts than any other continent in the world"¹⁵⁰. Since post-Cold War Africa's civil conflicts have very often acquired a sub-regional dimension, their resolution requires a concerted response from regional actors. However, the complexity of these conflicts require high level diplomatic skills that goes beyond reconciling warring parties to reconciling and mobilizing regional actors toward their resolution.

Moreover, these conflicts have acquired a "multilateral dimension, whereby a number of countries have engaged in conflict within another country as was the case in Democratic Republic of Congo. In which some have referred to the conflict in Congo as Africa's "First World War". Since 1970, there has been "no less than thirty wars" fought in Africa, most of which are civil conflicts. In 1994, a quarter of 48 countries in sub-Saharan Africa, that is 12 countries, were at war while two had just been at

¹⁴⁹ Abiodun Alao, 'The Role of African Regional and sub-Regional Organisations in Conflict Prevention and Resolution', <http://www.jha.ac>, 2001; Severine Rugumamu, *op.cit.*, pp.5-6; Vasu Gounden, 'Managing and Resolving African Conflicts', <http://unpan1.un.org>, 2002, pp.2-3

¹⁵⁰ Abdulsalami A. Abubakar, 'Conflicts in Africa and Culture of Peace and Co-existence', <http://www.jiia.or.jp>, 2001, p.2

war, and fourteen had in the near past or currently experienced devastating political violence. In 1996, 12 countries were experiencing armed confrontation, and by 1999, the number had risen to 18, with 11 countries facing serious political crises. Seemingly, therefore, almost all African countries are susceptible to conflicts and wars given that the political economy of majority of these countries remains weak and vulnerable to “political conflict and breakdown”¹⁵¹. Particularly, this can be traced in the lack of effective and functional institutional mechanisms designed to, equitably distribute resources across different stakeholders, and adjudicate differences and competing interests among nationals in a more acceptable manner.

Experience reveals that all Africa’s civil conflicts cannot be purely seen as an internal affair. A significant number of contemporary wars in Africa possess a mixture of internal and external features. As such, most African governments are quick to expect spill over effects, such as refugees, proliferation of arms or some form of destabilization from a neighbouring country engaged in war.¹⁵² This implies that addressing Africa’s civil conflicts requires a conflict resolution approach that provides for both internal and external interest groups, and which goes beyond a narrow perspective of defining conflict.

It is, therefore, clear that given the devastating effects of Africa’s civil conflicts on neighbouring states, these conflicts qualify as international conflicts, which demand international response in form of intervention to address them (see: Charter of the United Nations). Under such a situation the affected country cannot claim the right to non-intervention and sovereignty, nonetheless, this demands responses in how such an intervention might be conducted, and what specific actions it can involve. These concerns are addressed under chapter six by looking at the role of interveners in Africa’s civil conflicts- with specific attention to the Burundi civil conflict.

In order to concretely comprehend Africa’s contemporary conflicts and thereby construct proper analyses thereof, it is crucial to master the context within which such conflicts are occurring. That is, within the context of a post-Cold War world where

¹⁵¹ ‘Africa Ending a Culture of War and Violence’, <http://www.dpmf.org>, 2001, pp.1-2

¹⁵² InterAfrica Group/Justice Africa, ‘Peace and Security Dimensions of the African Union’, <http://www.uneca.org>, March 2002, p.4

superpower rivalry is inexistence. While African conflicts during the Cold War might have been “exacerbated by superpower rivalry”, the post-Cold War African conflicts are likely to be “linked to regional instability, political disunity and weak state structures”¹⁵³. Although it is assumed that many conflicts should have come to an end given the lack of support from superpowers, some went on by acquiring new dimensions and getting more intense.¹⁵⁴ Looking carefully at many of the civil conflicts in Africa, weak state structures perhaps stand as the most influential factor fuelling the conflicts; there are barely no effective structures in place to address emerging competing interests of various groups.

I partially agree with Miall et al in which they state that understanding Africa’s contemporary conflicts one needs to know the context in which they are occurring, ... However, some of Africa’s conflicts including the Burundi civil conflict during the Cold War cannot be explained exclusively by invoking superpower rivalry, since superpowers only involved in Africa’s conflicts where their interests were threatened or in contest.

For Africa, the end of the Cold War created:

A trend of death and despair, which was marked by an important inflation of sports of violence all over the continent: in 1996 alone, 14 of the 53 countries of Africa were afflicted by armed conflicts, accounting for more than half of all war-related deaths and resulting in more than 8 million refugees, returnees and displaced persons. For many Africans, the post-Cold War great expectations of peace and security blew up at the very moment the rest of the world was celebrating the dislocation of the Berlin wall and the collapse of the Iron curtain.¹⁵⁵

Accordingly, almost all post-Cold War African conflicts clearly present the need for third party intervention. However, the pertinent question to ask is: What role can third party intervention play in contemporary African conflicts? Third party interveners

¹⁵³ Hugh Miall et al, Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts, Polity Press, London, 2000, p.71

¹⁵⁴ Ibid., p.71-72

¹⁵⁵ ‘Keeping Peace in Post-cold War Africa: “Bonfire of the Vanities”?’, <http://www.unidir.ch>, pp.5-6

involved in the Burundi peace process with SA playing a key role provide an operational framework on which to respond effectively to this issue.

Africa has been swept by a wave of armed conflicts since the early 1990s. This comes as a number of entrenched military and one party regimes collapsed as a result of the end of the Cold War, emerging of pro-democracy movements and an explosion of ethnic and other social conflicts. From Somalia and Rwanda to Liberia, Sierra Leone, Ivory Coast, Burundi, Sudan and the DRC, “hundreds of thousands have been killed outright and millions more have succumbed to war-related epidemics and starvation. All but a fraction of the victims have been civilian”¹⁵⁶.

Apart from the significant number of deaths that violent conflicts in Africa have claimed, they have caused massive population displacements and migration. Such crises occur under circumstances, where states have lost control over large parts of their territories and the means of violence are easily accessed by unauthorized persons. Under such dire conditions, civilians are very often the principal targets.¹⁵⁷ The office of the United Nations high Commissioner for refugee’s report of 1997, put the number of the refugees around the world at 22 million, of whom 13 million were made refugees as a result of war, violence and human rights violations. 35 percent or 7.8 million of the refugees and displaced persons were from sub-Saharan Africa.¹⁵⁸ Responding to such catastrophic situations the international community had to override the principle of sovereignty by intervening without consent in an effort to rescue the affected people¹⁵⁹.

Considering that massive killings and population displacements, and gross violations of human rights in Africa’s civil conflicts largely occur under circumstances where states have lost control over large parts of their territories, what then should be the appropriate response from the international community in such a situation? This research attempts to respond to this by inquiring into the role of third party

¹⁵⁶ Ernest Harsch, ‘Africa Builds its own Peace Forces’, <http://www.un.org>, 2003, p.2

¹⁵⁷ Severine Rugumamu, *op.cit*, p.6

¹⁵⁸ United High Commissioner for Refugees, *The State of the World’s Refugees: A Humanitarian Agenda*, Oxford University Press, London, 1997, pp.2-3

¹⁵⁹ Severine Rugumamu, *op.cit*, p.6

intervention in Africa's civil conflicts by looking at the contemporary world in which, international norms of sovereignty and non-intervention have been re-defined.

3.2 The Complexity of Africa's Civil Conflict

According to Ngwane, civil conflicts in Africa involve conflicts over governance and democratic structures. These conflicts are informed by individual country's "socio-political evolution, its leadership and its colonial legacy"¹⁶⁰. The ethnic composition of many African states is suggestive of a governance system that should accommodate the various ethnic groups into the governance structures in order to better represent their peculiar interests and thereby prevent conflict. For instance, the Burundi conflict was fundamentally attributed to the failure of the governance system to accommodate equitably all Burundian ethnic groups by which, the marginalised group developed a feeling of alienation and as a remedy mobilised for conflict using an ethnic card- in an attempt to correct the exclusionary policy.

Many conflicts in Africa are based on grievances of ethnic minorities or majorities. Almost all African states are multiethnic in composition, a making of the colonial boundary demarcation. However, even states that are homogeneous such as Somalia are characterized by sub-ethnic differences that have a potential to breed violent conflict. The unfair distribution of resources among groups is considered to be a critical motivation for conflict¹⁶¹. This is compounded by the lack of effective mechanisms to address grievances among groups, which is the case in many African states, and this forces marginalised groups to adopt violent means as a measure to address conflict.

According to Copson, a cursory review of the dimensions of Africa's conflicts and their sources suggests that the problem is devastating and is strongly entrenched in the African state system and societies;

¹⁶⁰George Ngwane, 'Intrastate Conflict', in George Ngwane(ed.), Settling Disputes in Africa: Traditional Bases for Conflict Resolution, Buma Kor House Publishers Ltd, Yaounde, Cameroon, 1996, p.7

¹⁶¹Timothy D. Sisk, 'Institutional Capacity-Building for African Conflict Management', in David R. Smock and Chester A. Crocker(eds.), African Conflict Resolution: The U.S. Role in Peacemaking, United States Institute of Peace Press, Washington, D.C., 1995, p.112

Fundamental social cleavages within African states along ethnic and regional lines, sometimes reinforced by religious and income differences, are a major underlying cause of conflict that will not soon disappear. Africa's poverty, which deprives African societies of the means of easing social tensions, is another. The tendency of many African governments to rule through arbitrary and repressive means has provoked violent conflict and armed resistance in many instances¹⁶².

Because of abject poverty in many African states and the fact that the state is the major employer- source of survival for many, group mobilisation for conflict is easily done through promises made by politicians seeking to accede to power. Groups are made to believe that all those in, and close to, power are their enemies since they deprive them of benefits associated with power. Hence, this elevates poverty as one of the chief motivation of conflict in Africa.

Warring parties are confronted with irreconcilable interests and values, which are intensified by deeply rooted mistrust and competition over meagre resources. This blocks any possible attempts to resolve the conflict. In cases where the conflict is of a national significance, the degree of complexity raises significantly; the parties claim that their survival is at stake; there is infighting and factions within their ranks; large scale violence has already broken out; and fundamentally, conflicts are caused by structural factors¹⁶³. For instance, in case of Burundi, while deeply rooted mistrust between warring parties was partly blamed for the lack of progress in the Arusha peace negotiations, it is broadly exclusion from participating in the governance system that intensified the irreconcilable differences among the parties and was accountable for the stalemate in the peace negotiations, which after it had been addressed through power sharing, the peace process was moved forward. Therefore, as long as groups feel that they are discriminated against in the production processes and or the governance system, which in most African countries determines one's economic wellbeing, conflict will always emerge.

¹⁶² Raymond W. Copson, 'Peace in Africa? The Influence of Regional and International Change', in Francis M. Deng and I. William Zartman(eds.), Conflict Resolution in Africa, The Brookings Institution, Washington, D.C., 1991, P.21

¹⁶³ Laurie Nathan, 'Africa: International Mediation in African Civil Wars', in Global dialogue, vol.4, no.1, April 1999, pp.2-3

The demise of the Cold War gave rise to deadly ethnic confrontation that was manifested in power struggles in Africa, which were seriously devastating owing to their intra-conflict characteristics. Chief among these were protracted conflicts in Angola, Burundi, Liberia, Rwanda, Sierra Leone, Somalia and Sudan. These catastrophes contributed to a shift in approach in dealing with Africa's conflicts in pursuit of human security. Peacekeeping was no longer perceived as a means to end hostilities and restore political stability. Among other key concerns, the focus was placed on good governance, human dignity, sustainable development and national reconciliation¹⁶⁴. The end of the Cold War should not be seen exclusively to have influenced the eruption of deadly ethnic conflict in Africa. For instance, both Burundi and Rwanda experienced bloody ethnic confrontation during the Cold War, which were motivated by the need to capture power and therefore address injustices and inequities that were suffered by the groups and which are largely attributed to colonial legacy.

Conflicts in Africa escalated in the 1990s. Economic mismanagement resulted into weaker and highly centralized states. The inability to provide basic levels of policing and social services led to the weakening of state authority. As a consequence, internal conflicts dramatically increased throughout the 1990s. In extreme cases, fragmentation led to the formation and proliferation of smaller groups, which further developed into warring factions. The civilian population increasingly became embroiled in factional conflicts and were subjected to severe violence and abuse. This resulted in large scale displacement as well as social and economic destruction¹⁶⁵. However, looking at some of the deadliest conflict on the continent, the governance system through repressive policies is responsible for many of the conflicts that were waged on the continent during the 1990s. Notable among these are the conflict in Rwanda, Burundi, Liberia and Somalia. Thus, while economic mismanagement may result into weaker state systems leading to eruption of conflict, it is chiefly the governance system that does not allow for participatory policies of all regardless of their political inclinations and ethnic background that motivates conflict.

¹⁶⁴ Douglas G. Anglin, 'Peace Operations in Africa: The Learning Years', in C. Lagum (ed.), Africa Contemporary Record 1992-94, Holmes and Meier, New York and London, vol.xxiv, 2000, p.A39.

¹⁶⁵ DFID, 'The Causes of Conflict in Africa: Consultation Document', Africa Policy and Economic Department, DFID, London, March 2001, p.8

Ethnic discrimination in Africa has been politically exploited and is rooted in colonial legacy. Generally, ethnic discrimination,

is more often used as a means to sustain conflict and is rarely a primary cause. Yet the increasing marginalisation of the poor has provided fertile ground for those promoting ethnic conflict as a means of sustaining their own control over power. Ethnic violence is now becoming part of the culture of conflict in Africa¹⁶⁶.

This was the case in Burundi, where politicians exploited ethnicity in pursuit of their interests; those in power using ethnicity in order to preserve and consolidate power while the opposition using ethnicity as a basis for group mobilisation to capture power. In Burundi, ethnic discrimination is indeed rooted in colonial legacy; colonialists found Burundians living side by side under the same King and by using the policy of divide and rule they discriminated against ethnic groups by creating social classes- where Hutus were encouraged to engage in agriculture and artisanery while Tutsis were given good education and positions of administration.

Further, Nair argues that criminal complicity of both local and international actors in the search for gaining access to natural resources such as diamond and coltan also adds to the list mentioned above in causing civil wars in Africa. The “origins of much of the current conflict in Africa lie in deep-seated issues of identity and security. What is often at stake, at least in terms of how the protagonists of ethnic conflict see it, is nothing less than their very survival as a group”¹⁶⁷. This is validated in the Burundian case; the 1959 Rwandan social revolution, which culminated in the Hutu capture of power from the Tutsi and led to massive deaths and fleeing of the Tutsi into neighbouring countries, prompted the minority Tutsi in Burundi to consolidate and monopolise power and the military in defence of their security.

The origins of contemporary civil conflicts can be traced to the Cold War, when political elites deliberately abused their offices but nonetheless consolidated their positions through repression and financial and military support of the superpowers. In order to preserve power, rulers maintained continued access to patronage networks for

¹⁶⁶ loc.cit

¹⁶⁷ Roshila Nair, ‘The Political Management of Ethnic Conflict in Africa: A Human needs-based Approach’, in Track Two, Vol.11, no.4, Sept. 2002, p.5

subject populations. Degeneration of states to shadow states, which is characterized by the rise of warlords, occurs when a ruler is unable to guarantee “channels of wealth accumulation and distribution”. As noted by Reno, the end of the Cold War led to declining external support and engineered internal pressures, which consequently led to the outbreak of contemporary civil wars¹⁶⁸. What then explains conflicts in a number of African countries whose states have not degenerated into failed or shadow states like Somalia? It is, therefore, fit to go beyond the client-patron relationship as a system that ensures continuity in a given society and look at the overall organisation of a society, i.e., factors that lead to its stability or instability in an effort to trace the root of civil conflicts. This is based on the fact that even at the height of the Cold War, Africa experienced civil conflicts, e.g., the civil war in Angola, Mozambique and Uganda with Burundi afflicted by violent clashes between the Hutu and the Tutsi.

Stewart suggests that civil wars are often caused by group consciousness of “horizontal inequality”, which leads to organized violence for political purposes, particularly securing or maintaining state power¹⁶⁹. Group identity is normally constructed around region, ethnicity, class or religion. Group mobilization for conflict usually arises under “situations of relative deprivation” in comparison with other groups. However, in some cases violence may be sponsored by groups driven by the need to retain their relative position of privilege¹⁷⁰. Ayoob argues that it is the “erosion of legitimate authority” and inability to provide good governance that offers a more solid explanation for the cause of civil war in developing countries¹⁷¹. Indeed, inability to provide good governance offers a profound explanation for the cause of civil wars in developing countries, of which Africa is part. For example, conflict in Burundi, DRC, and Ivory Coast had much to do with the governance style, which promoted inequality by marginalising certain ethnic groups. In some cases, bad

¹⁶⁸Charles Cater, ‘The Political Economy of Conflict and UN Intervention: Rethinking the Critical Cases of Africa’, in Karen Ballentine and Jake Sherman(eds.), The Political Economy of Armed Conflict: Beyond Greed and Grievance, Lynne Rienner Publishers, Boulder, London, 2003, p.21

¹⁶⁹Frances Stewart, ‘Horizontal Inequalities as a Source of Conflict’, in Fen Osler Hampson and David M. Malone(eds.), From Reaction to Prevention: Opportunities for the UN System, Lynne Rienner, Boulder, 2002, pp.105-136

¹⁷⁰Karen Ballentine and Jake Sherman, The Political Economy of Armed Conflict: Beyond Greed and Grievance, Lynne Rienner Publishers, Boulder, London, 2003, p.21

¹⁷¹Mohammed Ayoob, ‘State Making, State Breaking, and State Failure’, in Crocker, Hampson and Aall, Turbulent Peace: Managing International Conflict, H-Diplo, United States Institute of Peace Press, 2001, pp.37-51

governance is reflected in the failure to institutionalise the state system leading to political violence and consequently escalation into armed violence.

3.3 Dynamics and Causes of African Internal/Civil Conflicts

It is crucially important to look at the dimensions of internal/civil conflicts before embarking on analyzing Africa's contemporary civil conflicts. Civil conflict emerges as the most prevalent form of armed conflict in the contemporary world. Civil conflicts undermine regional stability, respect for international law and behavioural norms, and can challenge the national interests of powerful nations. Many observers believe that the causes of civil conflicts are obvious; they acknowledge that the major forces responsible for these violent conflicts are the deep-seated hatred among various ethnic and religious groups. However, scholarly literature on internal conflict has identified four main clusters of factors explaining the incidence of violence in various places: structural factors; political factors; Economic/social factors; and cultural/perceptual factors.¹⁷²

The three major structural factors include: weak states; intra-state security concerns; and ethnic geography. 1) Weak states- many of the states were artificially constructed by the colonial powers; they lacked political legitimacy and institutions capable of exercising meaningful control over their territorial boundaries. Weak state structures often attract violent conflict. Power conflicts between politicians and potential leaders intensify. 2) Intra-state security concerns- when states are weak, individual groups feel threatened and so they are compelled to provide for their security; they are concerned about whether other groups are a threat to them. This emerges when multiethnic states collapse forcing ethnic groups to quickly mobilize in search for their defence. 3) Ethnic geography- states with ethnic minorities are more likely to experience conflict than others, and certain forms of ethnic demographics are more "problematic" than others. However, ethnic homogeneity is not a guarantee to internal harmony. For example, regardless of Somalia's homogeneity, it has been afflicted by clan warfare and power struggles among local warlords.

¹⁷² Michael E. Brown, 'The Causes of Internal Conflicts', in Michael E. Brown(ed.), The International Dimensions of Internal Conflict, The MIT Press, Cambridge, Massachusetts, 1996, pp.ix-25

Four key political factors explaining internal conflict are: discriminatory political institutions; exclusionary national ideologies; inter-group politics; and elite politics. Discriminatory political institutions- it is argued that the occurrence of conflict in a country depends largely on the “type and fairness” of its political system. For instance closed authoritarian systems are likely to create resentment over time, especially in cases where there is discriminatory pursuit of the interest of ethnic groups. Even in more democratic settings resentment can emerge in cases of inadequate representation in government structures. This makes much sense in the case of Burundi; the political system was discriminatory and exclusionary, in that, a section of people hailing from one region dominated state institutions including the army. This created deep anger and resentment among those that were excluded and discriminated against and thus, mobilised group solidarity for conflict.

Exclusionary national ideologies- the nature of the prevailing national ideology in the country concerned determines the stability of the country. In some countries, nationalism and citizenship are determined by one’s ethnicity, rather than the idea that everyone who lives in a country has the same rights and privileges. Inter-group politics- the prospects for conflict are massive if groups- whether they are based on political, ideological, religious, or ethnic affinities- have ambitious objectives, strong identity attachment and conflicting strategies. Elite politics- under this, conflict is prone when “desperate and opportunistic politicians” resort to the use of manipulative tactics in times of political and economic trouble. Under this, ethnicity is often manipulated by elites during periods of political and economic turmoil in an effort to silence domestic challenges.

Inter-group politics in Burundi was based on false ideological inclinations and ethnic identity; based on massive killings of Tutsis by Hutus in neighbouring Rwanda, the Tutsis Burundi had a strongly entrenched belief system that should they not take full control of political and military power, they were going to face the same fate as their Rwandan counterparts, while on the other hand, based on colonial distortion of the history of Burundians, Hutus believed that minority Tutsis were naturally oppressors and the solution lay in uprooting them from power. Thus, perceptions attached on each group by the other acted as a key ingredient of conflict between the two groups.

This, however, was expressed by manipulating ethnicity in attempts to capture and or preserve power.

Not only has elite politics played out in Burundi during political and economic turmoil, but also in periods of socio-political transitions. For instance, during the 1993 presidential and parliamentary campaigns, ethnicity played a significant role in determining the elections outcome; Hutu elites used an ethnic card to convince voters in voting them into power- they argued voters to use the ballot in order to address the past injustices that Hutus have suffered.

Three broad economic and social factors have been identified as potential sources of internal conflict: economic problems; discriminatory economic systems; and the trials and tribulations of economic development and modernization. Economic problems- unemployment, inflation, and competition for scarce resources, such as land, contribute to frustrations and tensions in a society, and can provide a ground for launching conflict. Discriminatory economic systems- whether this is done based on class or ethnicity can generate a sense of resentment and frustration which can increase the prospects for violence. Economic development and modernization have been regarded as the major force behind instability and internal conflict. These raise economic and political expectations, and can lead to increased frustration when they are not met. The key problem is that the development of political institutions lags behind social and economic change. In many African countries the state controls the economy, implying that economic participation depends on political links that given groups/individuals have with those in power. In order to ensure survival, those opposed to the ruling class or from other ethnic groups have often mobilised for conflict. Since poverty in Africa has been manipulated by politicians to mobilise vulnerable people especially youths to participate in armed conflict as a means of survival (source of income), economic development and modernisation cannot qualify as the major source of instability and internal conflict in Africa.

Economic problems which were exacerbated by an economic embargo that was imposed on the GoB in the late 1990s by regional countries combined with competition for lack of land to increase the level of unemployment in Burundi. Burundian politicians must have used this vulnerability together with ethnicity to

mobilise group conflict. Poverty that was a consequence of this economic malaise was reflected in frequent robberies committed against Tutsi victims before they were burnt to death in ambushes by the rebels. In Burundi the economic system largely depended on the political system, the two were closely linked. Political discrimination was mainly based on ethnicity and regionalism; key government positions were occupied by Tutsis from Bururi province and while Hutus from the same region benefited from the system the Tutsis from other regions did not. This created resentment and anger among Burundian groups from the rest of the country. This discrimination is considered to be the key motivating factor that forced some Tutsis to join the Hutu rebel movements¹⁷³.

It is analytically incorrect to suggest that conflict breaks out broadly due to failure to meet expectations from economic development and modernisation; it is rather the political management of these processes that should be blamed for conflict. This is premised on the fact that in Africa the state plays a significant role in the economy such that if this is not guided by the principles of fairness and equitability in sharing a country's resources among all groups, conflict is bound to arise. This was the case in Burundi, where the civil conflict was largely motivated by political discrimination, which translated into economic discrimination and hence, causing frustration and consequently resulting in conflict.

Two cultural and perceptual factors have also been identified as potential sources of internal conflict: cultural discrimination against minorities; and group histories and perceptions of themselves and others. Problems encountered under the first case include inequitable opportunities in education, legal and political constraints on the use and teaching of minority languages, and constraints on religious freedom. Groups' histories and perceptions of themselves and others- some "ancient hatred" can be legitimately acknowledged as factual. However, it is also true that some groups tend to view their histories as being superior than those of their neighbours, rivals and enemies. Stories told from generation to the next are taken as "gospel truth". They often become distorted and exaggerated, and are regarded as invaluable knowledge by

¹⁷³ See Fieldwork Information- Responses from Burundian Informants

group members. These ethnic mythologies have a potential to create conflict if rival groups have distorted images of each other.

In the case of Burundi, ethnic mythologies played an important role in fuelling the civil conflict; Hutus were told that Tutsis are inhumane and terrible and are bent towards oppressing the Hutus while Tutsis were told that Hutus were killers and for that matter Tutsis have got to have full control over political power and the military in order to prevent them from massacring Tutsis. In addition, history also played a crucial role in instigating antagonism between Hutus and Tutsis. This is traced in the colonial legacy, whereby colonialists documented that Tutsis were invaders who came from Ethiopia and imposed their oppressive rule on the indigenous Hutus¹⁷⁴. This created deep-seated anger and resentment against Tutsis to the extent that political discrimination against Hutus by Tutsis in the post-colonial era, served to endorse this historical assertion.

A number of factors explain the root causes of Africa's civil conflicts: "weak or failed states; authoritarian rule; a lack of coincidence between nation and state; the exclusion of minorities from governance; and acute social-economic deprivation and inequity"¹⁷⁵. Since there are factors that contribute to weak or failed states then it is analytically incorrect to claim that weak or failed states is a factor explaining the root cause of conflict in Africa. A weak or failed state is a result of an underlying factor(s) at the root of the conflict. For example, political and economic exclusion can be a basis for ethnic antagonism, which may result in a weak state. Although, Burundi is a classical example of this, it was rather the exclusion of the majority Hutus from the governance structures that was significantly responsible for the civil conflict. Considering that in Burundi majority Hutus and Tutsis outside Bururi province were economically excluded, it meant that they were automatically deprived of essential social services, such as, education, health and housing. Naturally, this created a sense of resentment and resistance against the status quo and thus motivating conflict.

¹⁷⁴Jason S. Abrams, 'Burundi: Anatomy of an Ethnic Conflict', in Survival, vol.37, no.1, Spring 1995, p.150

¹⁷⁵Laurie Nathan, op.cit, p.3

According to research by Paul Collier of the World Bank, civil wars are mainly caused by the ease with which economic plunder is carried out and the unfair accumulation of economic benefits, while paying no attention to legitimate grievances¹⁷⁶. Reno argues that the culture of expropriating economic resources of the state through the system of patronage results in the creation of a “shadow state” and increases the likelihood of civil war¹⁷⁷. In other words Collier reveals that civil wars are significantly motivated by corrupt practices of, or private accumulation of state resources by, state officials while disregarding key pressing concerns of other groups. In the case of Burundi, economic fortune was broadly related to political influence, to the extent, that economic life was dependent on political life; the two were closely interconnected, whereby without political connection, it was difficult to access or gain economic benefits on a considerable scale. And because political connection was based on one’s ethnic background and region of origin, this meant that unless one was a Tutsi from Bururi province or a Hutu from the same province, he/she would hardly attain political influence and thus economic benefits. This political exclusion that translated into economic exclusion created a strong sense of resentment, anger and frustration in the excluded, who were therefore forced to mobilise for conflict.

The post-Cold War era in Africa has been marked by rising incidences of internal conflicts, which are fundamentally rooted in ethnic confrontation and “scrambles” for natural and state resources¹⁷⁸. While this argument does not fully hold in the case of Burundi, given that the Burundi conflict has been ongoing since the country’s independence in 1962 (i.e., during the Cold War), it was during the post-Cold War that the conflict escalated. Massive retrenchment following the election of the first democratically elected Hutu President in 1993, meant that the Tutsis who had dominated political and economic realms were to lose their means of survival. However, this was reversed by some elements from the Tutsi dominated army when they assassinated the Hutu President. Considering that it was impossible to consolidate political power

¹⁷⁶Paul Collier, ‘Economic Causes of Civil Conflict and Their Implications for Policy’, in Chester A. Crocker et al (eds.), Turbulent Peace: The Challenges of Managing International Conflict, U.S. Institute of Peace Press, Washington, D.C., 2001, pp.143-162

¹⁷⁷William Reno, ‘Shadow States and the Political Economy of Civil Wars’, in Mats Berdal and David M. Malone(eds.), Greed and Grievance: Economic Agendas in Civil Wars, Lynne Rienner, Boulder, 2000, pp.43-68

¹⁷⁸Chr. Michelsen Institute, ‘Can Democratisation Prevent Conflicts?: The Bergen Seminar on Development 2001: Lessons From Sub-Saharan Africa’, Evaluation Report 6/2001, The Norway International Press Centre, NIPS, p.9

without the backing of the army, the Hutus mobilised to form a military campaign against the Tutsi establishment. While ethnicity played a key role in influencing the civil conflict in Burundi, the fact that, the rebel movements were composed of both Hutus and Tutsis (see fieldwork information), implies that the conflict was a struggle for political power with a view to access or obtain economic benefits that accrue from holding power. This is supported by a negotiated settlement to the conflict reached in the Arusha peace process that came as a result of political and military/police power sharing; political and military power were the most key contentious issues around which the conflict was waged and, therefore, their resolution laid the foundation on which the Burundi conflict was addressed.

Excessive dominance by the executive over political processes in sub-Saharan Africa is seen to be another key root cause of conflict. This manifests itself in a zero-sum game, where securing the chief executive office of a state is considered as “everything”¹⁷⁹. This is compounded by a desire to remain in power by any means possible regardless of the will of the people, and the absence of checks and balances that are offered by independent institutions of a state. This state of affairs, *inter alia*, is characterised by the absence of the rule of law, human rights abuses, and weak institutions of the state, conditions which lay the ground for conflict. Excessive dominance of the executive in Burundi is considered to be one of the key factors that that explain the Burundi civil conflict; the executive had total control over all state apparatuses and power was organised around regionalism, this created resentment and anger against those from the ruling region and, therefore, resulted in conflict.

Africa’s conflicts are often seen to be a result of religious or ethnic clashes, but in reality, many of the underlying causes of contemporary African conflicts are informed by “issues arising within African society”- that is, issues related to the artificial borders created by the colonialists. This has created racial, ethnic, linguistic, and religious problems that are characteristic of contemporary Africa. In other words, “conflicts in Africa are closely linked with problems concerning the legitimacy of state authority”¹⁸⁰. While the creation of artificial borders by colonialists poses a

¹⁷⁹loc.cit

¹⁸⁰The Japan Institute of International Affairs, ‘International Symposium on Conflicts in Africa and a Culture of Peace and Coexistence’, Tokyo, Japan, February 15-16, 2001, p.1

challenge to the social and ethnic dynamics of African states, it is chiefly the mismanagement of these challenges or the lack of effective mechanisms to deal with them that offers the greatest resource for conflict. For instance, had the post-colonial Burundian leaders effectively addressed colonial historical distortions about Burundian groups, the deep-seated hatred among Burundian ethnic groups that was effectively manipulated by politicians to achieve their political ends, would not have surfaced to deepen the conflict.

Falola argues that one of the key roots of conflicts in Africa is located in the misuse of political power; political leadership is mired by embezzlement of public funds and bad governance. Through a system of clientele, political leaders reward supporters with positions and state funds. Corruption on such a large scale stifles proper management of state affairs, creates resentment, and “wrecks the fabric of society”. Because of the private gains associated with possessing state power are enormous, competition to control the state is characterized by severe conflicts. The “end justifies the means”, the zero-sum game is the order, and an occupant of state power ensures that he monopolizes and preserves state power¹⁸¹. Unless the political leadership has strong backing of the army in such state of affairs, very often the military intervenes in the name of liberators to usher in a new era of change. However, in most cases this is a mere change of state occupants and not a fundamental change of the existing status quo. Besides, the military entrenches itself in power and thereby, attracting new conflicts. In Burundi, state or political power was associated with economic benefits, the state was the major source of survival for many and hence, exclusions that characterised the newly elected Hutu presidency in 1993 were met with resistance and resulted in the assassination of the president, consequently, leading to massive massacres of both Hutu and Tutsi civilians.

Dramé points to the failure of power sharing by many African leadership as an incentive for armed confrontation against a state. These conflicts raise questions about the governance system of the African state, particularly its capacity to govern its people effectively and fairly. The conflicts demonstrate a strong sense of frustration against the state by sections of the population. Very often these conflicts are caused

¹⁸¹ Toyin Falola, ‘Africa in Perspective’, in Stephen Ellis(eds.), Africa Now: People, Policies and Institutions, Ministry of Foreign Affairs(DGIS), The Hague, The Netherlands, 1996, p.13

by the lack of proper mechanisms through which differences between political actors, and between rulers and the ruled can be reconciled. For instance, whenever there is little room or none for dialogue between the government and the opposition, this degenerates into armed conflict. This, therefore, raises the question of democracy in African societies and of authoritarianism in the African leadership¹⁸². It is not that there are totally no existing proper mechanisms to manage conflicts between political actors, but the danger is that they have been marred with corruption by state operatives. For instance, one suing the state can hardly get justice because of state influence in the judicial process. Thus, although, there are some existing mechanisms for conflict management, there is increasingly lack of credible personnel to run them. Corruption, therefore, emerges as an important incentive for conflict; since the aggrieved cannot obtain justice in the judicial system nor from other mechanisms, they resort to subversive or violent practices. Indeed, the Burundi conflict affirms the proposition that lack of power sharing provides an incentive for conflict; the proposed power sharing deal in Arusha culminated in the end of violent conflict between the government of Burundi and the main rebel group, the FDD when the latter joined the transitional government.

According to a series of studies done on Africa's internal conflicts, it was found out that participatory systems of government were more likely to promote "better modes of conflict resolution and maintenance of peace than non-participatory systems"¹⁸³. This is crucial in that it provides a solution to what I consider as the key source of internal conflict in Africa, that is, inequitable distribution of a country's resources. Moreover, it also provides a checks and balance system that discourages the ills of autocratic leadership such as human rights abuses and misuse of political power, which create ground for conflict. However, in order to ensure the realisation of proper mechanisms of conflict resolution and maintenance of peace, participatory systems of government must devolve real power to the people so that they can determine their own destiny.

¹⁸²Tiébilé Dramé, 'The Crisis of the State', in Stephen Ellis(eds.), Africa Now: People, Policies and Institutions, Ministry of Foreign Affairs(DGIS), The Hague, The Netherlands, 1996, pp.205-206

¹⁸³P. Anyang' Nyong'o, 'Arms and Daggers in the Heart of Africa: An Introduction', in P. Anyang' Nyong'o (ed.), Arms and Daggers in the Heart of Africa: Studies on Internal Conflicts. Academy Science Publishers, Nairobi, Kenya, 1993, pp.2-3

Despite the resolution of many of Africa's prolonged conflicts (e.g., Ethiopia and Mozambique) as a result of the end of ideological confrontation by the U.S. and U.S.S.R, internal conflicts have increased on the continent. These conflicts take a number of various forms:¹⁸⁴

- o Conflicts related to the end and post-War reconciliation (e.g., Ethiopia, Liberia, Rwanda, Angola and Mozambique);
- o Conflicts over resource distribution- these include countries implementing structural adjustment programs with distribution effects that create conflict (e.g., Mozambique); and conflicts over distribution that are associated with conflicts over reconciliation (e.g., South Africa);
- o Conflicts over political participation- in which groups and individuals are demanding political rights, the establishment of multi-party democracy, an end to autocratic rule and more accountability from those in positions of power (e.g., Zimbabwe and the former Zaire);
- o Conflicts over political identity- in which conflict is organized around ethnic, tribal, religious, linguistic and other sub-national ties (e.g., former Zaire, Angola, Rwanda, Sudan and South Africa). In these conflicts sections of a population mobilize to fight for or demand political change.

Batchelor argues that these different forms of internal conflicts are often characterized by high levels of political violence and instability. As a consequence, these conflicts lead to increased demand for small arms by both state and non-state actors¹⁸⁵. In addition, these conflicts lead to massive killings, displacements, and floods of refugees into neighbouring countries and thus create regional instability (e.g., Rwanda during the 1994 genocide and Burundi at the height of the civil conflict in 1993) in which case, conflicts of this magnitude demand international attention in form of humanitarian intervention in order to address them and thus secure protection to civilians under severe threat.

¹⁸⁴T. Ohlson et al, The New is Not Yet Born: Conflict Resolution in Southern Africa, Brookings Institution, Washington D.C., 1994, pp.221-223

¹⁸⁵Peter Batchelor, 'Intra-State Conflict, Political Violence and Small Arms Proliferation in Africa', in Virginia Gamba et al(eds.), Society Under Siege: Crime Violence and Illegal Weapons, Institute for Security Studies, Pretoria, SA, 1997, pp.104-105

Newman and Balachandran observe that conflicts in Africa are “fuelled by underlying socio-economic factors such as poverty; poor access to food, health care and education; the proliferation of weapons; and repercussions of colonialism”¹⁸⁶. Indeed, poverty and the general lack of meeting basic human needs by large numbers of people are incentives, which strongly influence conflicts in Africa. Such ill conditions create a sense of desperacy among people, which is preyed upon by opportunist politicians in several ways like creating ethnic consciousness with a view to mobilise for group conflict. Moreover, a poverty-stricken population provides a better avenue for recruitment to launch armed struggle against state establishments. Further, negative consequences of colonial legacy like group stratification played a key role in fuelling the Burundi civil conflict by creating a sense of inferiority among the socially disadvantaged.

Jackson attributes the cause of civil conflicts to “domestic rather than systemic factors”. These conflicts involve politically motivated violence that primarily occurs within the boundaries of a single state. He suggests that conflicts in Africa are rooted in the conduct of politics and “discourses of weak states” and not in escalation of ancient hatreds, the character of individual rulers, or the collapse of stable peaceful domestic systems¹⁸⁷. It is safe not to suggest that conflicts in Africa are solely caused by domestic and not systematic factors; while it is true that political practice influences conflict in Africa, it is equally true that ancient hatred, provided that the leadership does not make effort to address it, can extensively influence violent conflict (e.g., deep-seated hatred between Hutus and Tutsis played a key role in the 1994 Rwandan genocide, and also this has had a bearing on killings among Burundian Hutus and Tutsis). It is also impossible in many African states to separate the conduct of politics from the character of individual rulers. This is because of the overwhelming power and extent of dominance by individual rulers (chief executives of states) in governance structures.

Considerable academic debate about the causes of recent wars in Africa and elsewhere traces their roots in greed or grievance. However, an overarching view of

¹⁸⁶Lori Newman and Anand Balachandran, ‘Managing Conflicts in Africa: Building the Capacity of the OAU’, in *Conflict Trends*, no.5, 1999, p.28

¹⁸⁷Richard Jackson, ‘Violent Internal Conflict and the African State: Towards a Framework of Analysis’, in *Journal of Contemporary African Studies*, vol.20, no.1, 2002, p.29

Africa's conflicts is more likely to suggest that marginalisation in terms of both material resources and political participation stands as the key factor explaining motivations for conflict and its causes¹⁸⁸. It should be, however, noted that greed is ingrained in the policy of marginalisation; both the two ills serve to promote a similar goal by denying an opponent the means of survival, that is, economic and political (which very often in Africa translate into economic advantage) benefits. Although, the civil conflict in Burundi is mainly considered to be ethnically motivated but given that fighting between the main warring parties came to an end as a result of joining the power sharing arrangement, affirms the above assertion.

Responding more effectively to Africa's conflict demands consensus in understanding its causes. Past responses to conflict have been unable to spell out the context within which conflict occurred or failed to address the root causes of conflict. Key among the root causes of internal conflict in Africa include: 1) Inequality- inequality between groups is considered to be the major cause of conflict in Africa. It exists on three "mutually reinforcing arenas, economic; social; and political. For example, in countries such as Liberia, Sierra Leone and Rwanda, political power and the benefits thereof were monopolised by one group; 2) State collapse- the collapse of state institutions has led to internal and regional conflict. In this situation, the state is no longer able to meet basic services for its people and therefore loses its legitimacy. As Liberia and Sierra Leone demonstrated, both institutional and physical infrastructure together with ethnic violence, create conditions which reinforce violence and result in factional confrontation; 3) History- a number of conflicts occur in absence of a peaceful tradition of addressing problems. Political violence is reinforced by state instruments such as the army, the police and the judiciary. For instance, in countries such as the DRC, Rwanda and Burundi history played a major role in creating a state model "based on the artificial creation and abuse of ethnicity to maintain power"¹⁸⁹.

It is true that inequality among groups is likely to be the major cause of conflict in Africa. For instance, in Rwanda prior to the 1994 genocide, power had been monopolised by Hutus from the northern region. This left Tutsis and Hutus from other

¹⁸⁸Richard Cornwell, 'Conflict, Security and Development in Africa', in Africanus: Journal of Development, vol.35, no.1, 2005, pp.8-9

¹⁸⁹DFID, op.cit, p.13

regions marginalised. While Tutsis were affected because of their ethnic orientation, Hutus suffered because of the effects of regionalism. This created deep resentment among Hutu politicians from other regions, who expressed their discontent by joining the opposition (the current ruling government which was then fighting the government of President Habyarimana). To the extent that at the eruption of the state sponsored genocide, Hutu opposition leaders were massacred alongside the Tutsis. Moreover, because the private sector in Africa has not fully developed to absorb many politically active people, political exclusion in Rwanda meant economic exclusion and in effect a denial to their livelihood and thus creating ripe conditions for conflict.

According to Annan, a key source of conflict in Africa is the nature of political power coupled with the “real and perceived consequences of capturing and maintaining power. It is frequently the case that political victory assumes a “winner-takes all” form with respect to wealth and resources, patronage, and the prestige and prerogatives of office. A continual sense of advantage or disadvantage is often closely linked to this phenomenon, which is heightened in many cases by reliance on centralized and highly personalized forms of governance. Where there is insufficient accountability of leaders, lack of transparency in regimes, inadequate checks and balances, non-adherence to the rule of the law, absence to peaceful means to change or replace leadership, or lack of respect for human rights, political control becomes excessively important, and the stakes become dangerously high. This situation is exacerbated when, as is often the case in Africa, the state is the major provider of employment and political parties are largely either regionally or ethnically based, ... the multi-ethnic character of most African states makes conflict even more likely, leading to an often violent politicisation of ethnicity”¹⁹⁰.

Ethnicity per se does not engineer conflict but it is only manipulated by, those who feel that they are discriminated against or excluded by the governing authority, and those in authority who seek to preserve power. The excluded use ethnicity to mobilise for conflict while those in power use ethnicity in order to consolidate, and preserve

¹⁹⁰Kofi Annan, ‘The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa’, Report of the Secretary General to the United Nations Security Council, Department of Public Information, New York, 16, April 1998, p.3

themselves in, power. In addition, non-adherence to the rule of law and absence of peaceful means to change leadership are key ingredients of autocratic leadership sponsoring conflict in Africa. These also attract external sympathy by aiding the opposition to fight the unpopular regime, which very often extends the conflict across boundaries of a state and, thereby, affect relations between neighbouring countries. Burundi is a classic example qualifying this argument; Tanzania was seen by the Burundian government to support the FDD rebels and this affected relations of the two countries.

Colonial legacy- imposition of boundaries that did not match the social and ethnic dynamics is also seen as a major source of Africa's conflicts hindering national unity upon which strong political leadership could be constructed¹⁹¹. However, this has much to do with opportunistic politicians who use the effects of colonial legacy with a goal of achieving personal interests. This argument is premised on, the fact that, even homogeneous states such as Rwanda and Burundi where groups share a similar culture, language and values, national unity is still far from being achieved. Therefore, it is not always the case that sharing similar social and ethnic characteristics will translate into national unity.

The proliferation of armed groups and militias (in some instances supported by external political forces to fight proxy wars in neighbouring countries), the inability of state security apparatuses to control the movements of militias and armed groups, proliferation of small arms, have contributed to regional insecurity and destabilised the governance system of states. Economic instability and raising poverty levels in Africa, the struggle among various communities for access to land, water or control over mineral resources such as oil have also been at the root of, or have in some cases contributed to, some internal conflicts¹⁹². Access to land, especially in densely populated African states like Rwanda and Burundi, has been over the years a conflict resource used by politicians to mobilise groups for conflict. In order to attract many locals to participate in the 1994 genocide, Rwandan politicians told them that their

¹⁹¹See: *Ibid.*, p.2, and Fernanda Faria, 'Crisis Management in Sub-Saharan Africa: The Role of the European Union', in *Occasional Paper*, no.51, April 2004, p.9

¹⁹² Fernanda Faria, *op.cit.*, p.10

plight was caused by Tutsis occupying large pieces of land and so if they killed them they would take possession of their land. Burundi also faced a similar problem, people were told to kill their neighbours in order to take possession of their land. Land related conflicts are premised on the fact that, land in many African countries is regarded sacred because big numbers of people still depend on it for their livelihood.

Lyon observes that coup-makers, real or potential, communalism, tribalism, religious fundamentalism, economic mismanagement and “sheer misery”, as well as inequitable distribution of resources are key factors contributing to conflict in contemporary Africa¹⁹³. Although coup-makers, in a sense, contribute to conflict in Africa, this is simply a manifestation of an already existing factor(s) causing conflict, for example, economic instability, which motivates the coup plotters to change government with a goal to address the instability. However, I agree with Lyon that inequitable distribution of resources is one of the key factors contributing to conflict in contemporary Africa. This is influenced by factors such as sectarianism and regionalism. This creates resentment and anger in the marginalized groups and consequently motivating them to engage in conflict with a view to change the status quo.

In concise, the nature of post-Cold War civil conflicts in Africa has created massive refugees into neighbouring countries and has destabilized sub-regional political and socio-economic sectors. Conflicts on the African continent are characterized by massive destruction and alarming magnitude. Most of Africa’s contemporary wars possess a mixture of internal and external features. Thus, African governments are quick to expect spill over effects, such as refugees, proliferation of arms or some form of destabilization from a neighbouring country engaged in war. While African conflicts in the Cold War might have been exacerbated by superpower rivalry, the post-Cold War African conflicts are likely to be informed by regional instability, political disunity and weak state structures. The end of the Cold War created a trend of death and despair, which was marked by an inflation of sports of violence all over the African continent. A number of entrenched military and one party regimes

¹⁹³ Peter Lyon, ‘The Ending of the Cold War in Africa’, in Oliver Furley(ed.), Conflict in Africa, I.B. Tauris Publishers, London, New York, 1995, p.172

collapsed as a result of the end of the Cold War, emerging of pro-democracy movements and an explosion of ethnic and other social conflicts. Many conflicts in Africa are based on grievances of ethnic minorities or majorities. However, even states that are homogeneous such as Somalia are characterized by sub-ethnic differences that have a potential to breed violent conflict. The unfair distribution of resources among groups is considered to be a critical motivation for conflict. A number of factors explain the root causes of Africa's civil conflicts. These include weak or failed states; authoritarian rule; a lack of coincidence between nation and state; the exclusion of minorities from governance; and acute social-economic deprivation and inequity. Moreover, post-Cold War Africa's civil conflicts are fundamentally rooted in ethnic confrontation and scrambles for natural and state resources.

After broadly looking at the nature and factors informing Africa's civil conflicts, we then pursue our discussion by focussing on Burundi's intractable civil conflict, its implications on regional peace and security, and the implications of Burundi's peace process towards achieving enduring peace.

CHAPTER FOUR:

THE BURUNDI CIVIL CONFLICT

“Nowhere else in Africa has so much violence killed so many people on so many occasions in so small a space as in Burundi”¹⁹⁴.

This chapter critically discusses the nature and characteristics of the Burundi conflict and its implications on international /regional peace and security. The discussion includes the historical evolution of the conflict; its root causes and effects on the neighboring countries. This chapter also attempts to critically analyze the effects of ethnic extremism/solidarity as a feature of the Burundi conflict on regional peace and stability. Also the chapter makes a critical examination of the Burundi peace process (that culminated in the Arusha Peace and Reconciliation Agreement for Burundi) and its implications on enduring peace in Burundi.

Burundi is a small, mountainous and impoverished country in Eastern Central Africa, ranked by the United Nations as one of the world’s poorest states. It is the second most densely populated country in sub-Saharan Africa. The country got its independence in July 1962 after 46 years of Belgian administration, which preceded 20 years of German rule. At the time of its independence the country was governed under a monarchy with the National and Union Progress Party (UPRONA) as the major political organization. The Government was officially a variant of the Belgian Constitutional monarchy. However, in practice, Burundi’s royal court wielded much influence and power, in the National Assembly that was elected in September 1961, and in the state bureaucratic structures¹⁹⁵.

¹⁹⁴ Robert H. Brandstetter, ‘Burundi: A Flawed Society With No Evident Solution’, in African Contemporary Record 1992-1994, vol.xxiv, Holmes and Meier, New York and London, 2000, p.283

¹⁹⁵ Warren Weinstein and Robert Schrire, ‘Political Conflict and Ethnic Strategies: A case study of Burundi’, in Foreign and Comparative Studies/Eastern Africa Series xxiii, Maxwell, Syracuse University 1976, p.9

Burundi's social system has been considered as "one of the most complex and least understood in Africa"¹⁹⁶. Its ethnic composition comprises of three groups: the Hutu, Tutsi and Twa¹⁹⁷. The Hutu, who account for 85% of Burundi's population, have been described as a Bantu people who are traditionally agriculturalists. The Tutsi, who represent 14% of the population, are identified as a Hamitic people, who migrated from Ethiopia from the sixteenth century. A number of ethnographers reveal that the Tutsi established a dominant position over the Hutu in the economy and governance of the region¹⁹⁸. The Twa, who comprise 1% of the population, are traditionally hunters and potters, who inhabit the forests and are politically, economically and socially marginalised. The Ganwa are identified as the fourth group, who are feudal princes of mixed blood. The Ganwa considered themselves neither as Hutu nor Tutsi, but above both groups¹⁹⁹.

Unlike many countries in Africa, pre-colonial Burundi was a politically integrated unit with a quasi-feudal monarchy headed by a King (the Mwami), who was selected from the Ganwa. Burundi was, however, traditionally a highly centralised kingdom, in which the Ganwa wielded much power and often fought among themselves and the King. Below the Ganwa were chiefs and administrators, who composed of both the Hutu and the Tutsi. This ensured continuity of the social structure, in which some Hutu attained a superior status than the Tutsi. It was possible for a Hutu to be identified as a Tutsi and for a Ganwa to be "demoted to a Tutsi"²⁰⁰. Much of society was organised around a client-patron system. This promoted social mobility and cohesion²⁰¹.

Traditionally, there has been some degree of difference in identity between the Hutu and Tutsi in Burundi. Jeremy reveals considerable linguistic and anthropological evidence pointing to an historic inequality and confrontation between the Tutsi, Hutu

¹⁹⁶ Lemarchand René and David Martin, 'Selective Genocide in Burundi', Minority Rights Group, London, 1974, p.5

¹⁹⁷ Warren Weinstein, 'Conflict and Confrontation in Central Africa: The Revolt in Burundi, 1972', in Africa Today, vol. 19, no.4, Autumn 1972, p.18

¹⁹⁸ Lemarchand René, Rwanda and Burundi, Praeger Publishers, London, 1970, p.19

¹⁹⁹ Lemarchand René, 'Burundi: Ethnicity and the Genocidal State', in Pierre L van den Berghe (ed), State Violence and Ethnicity, University of Colorado Press, Boulder, Colorado, 1988, pp.93-94

²⁰⁰ Ibid., p.93

²⁰¹ Lemarchand René, Burundi: Ethnocide as Discourse and Practice, Cambridge: Woodrow Wilson Center Press, 1994, pp.11-14

and Twa²⁰². While some observers, including a substantial contemporary Hutu community, regard the Hutu-Tutsi conflict in Burundi as the product of centuries-old enmities and oppression, most ethnographical and historical studies reveal that the Hutu-Tutsi conflict is a relatively recent phenomenon and that violent conflict between the groups was unheard of until 1965²⁰³. According to René and Warren, the Hutu and Tutsi share a similar language and culture, and have common social and political institutions, and have often intermarried and lived together peacefully for centuries. The Hutu-Tutsi animosity came as a result of such factors as colonialism, modernisation, the traumatic experience in the Rwandan Hutu rebellion and repressive and discriminatory post-colonial policies²⁰⁴. Indeed, while colonialism played a crucial role in antagonising Burundian ethnic groups, the Rwandan Hutu rebellion, which killed thousands of Tutsis and caused thousands of others to flee into neighbouring countries had a big influence in shaping and determining the Hutu-Tutsi conflict in Burundi. In order to insure their security, Tutsis had to dominate both in politics and the military, factors that are considered to be key in motivating the violent confrontation between the two groups.

4.1 Background to the Civil Conflict

Burundi's colonial experience was quite brief, but it left a significant land mark on the development of the country. It was only in the latter years of the nineteenth century that the first European explorers arrived in Burundi, which gave way to the Germany army at the end of the century. German administration was indirect and was not influential to affect Burundi's traditional social setup²⁰⁵. In 1918, Belgian troops drove the Germans out and jointly administered the territory with Rwanda until Burundi's Independence. This administration was later mandated by the League of Nations in 1923, and by the United Nations Trusteeship after the second World War²⁰⁶.

²⁰² Greenland Jeremy, 'Ethnic Discrimination in Rwanda and Burundi', in Veenhoven A. Wiillem (eds.), Case Studies as Human Rights and Fundamental Freedoms, vol. Iv, 1975-76, pp.103-105

²⁰³ Lemarchand René, 'Burundi: Ethnicity and the Genocidal State', op.cit, p.92

²⁰⁴ Ibid., pp.90-91; Warren Weinstein, 'Tensions in Burundi', in Issue, vol. 2, no.4, Winter 1972, pp.27-28.

²⁰⁵ Lemarchand René, 'Rwanda and Burundi', op.cit, pp.48-56

²⁰⁶ Ibid., pp.63-79

Belgians attempted to administer Burundi guided by the country's traditional political setup. Many observers state that Belgian policies had an overwhelming impact on both the social and political system and were responsible for igniting the Hutu-Tutsi conflict. Guided by the misconception that the Tutsi domination of the political system was as strong in Burundi as it was in Rwanda, Belgium granted greater power and educational opportunities to the Ganwa and the Tutsi²⁰⁷. Attempts by the Belgians to structure the traditional administrative system served to entrench the Tutsi dominance²⁰⁸. Such policies elevated the social status of both Ganwas and Tutsis, and coupled with the seeds of domination that were sown by colonialists, they created animosity among Hutus and thus acting as resources in the post-colonial conflict. Furthermore, the Burundian social and economic fabrics were increasingly influenced by colonialism. For instance, Christianity significantly replaced the indigenous religion; the client system, which was used by the Tutsi as an important source of income was abolished and replaced with salaries paid to those working in administrative structures of the state; and missionary activities contributed to the education of the Hutu, and spread Western values of equality and democracy that were unheard of in the Burundian society. This resulted in intense ethnic differentiation and created eliticism in the Burundian society, in which the two major ones, the Ganwa and Tutsi dominated the political and economic system, and the third, the Hutu with significant representation in positions of power increasingly resented the dominance of the other two groups²⁰⁹.

The Hutu view the Tutsi as "alien invaders", who subjugated the indigenous majority centuries ago, and link post-colonial Tutsi oppression to this historical perspective. Moreover, in line with this view is the perception that the Tutsi are "monolithically evil people" with whom no peaceful coexistence has never been, and never will be, possible. On the other hand, the Tutsi have either denied the intensity existing between the groups or have blamed colonialism and external forces to be responsible

²⁰⁷ Lemarchand René and David Martin, 'Selective Genocide in Burundi', *op.cit.*, p.8; and Greenland Jeremy,

'Ethnic Discrimination in Rwanda and Bujrundi', *op.cit.*, pp.108-112

²⁰⁸ Jason S. Abrams, *op.cit.*, p.146

²⁰⁹ *Ibid.*, p.146

for this. Such perceptions provided grounded justification for the "perpetuation of Tutsi hegemony and the repression of the Hutu"²¹⁰.

Events in Burundi have led to "a spiralling syndrome of suspicion, fear and hatred" between the Hutu and the Tutsi. Thus each level of violence lays the ground for the next, as "mutual suspicion and fear" have dominantly characterised the perceptions of both groups. As a result, while in the past violence that surrounded a coup attempt would have remained limited, now such violence is far more likely to involve the entire Burundian society and degenerate into genocidal campaigns²¹¹.

Although, there is no consensus on the exact meaning attached to Hutu, Tutsi and Twa labels in pre-colonial Burundi, it is generally accepted that all three groups shared a single language, religion, and political system and lived in harmony with one another²¹². Colonial policies aimed at distorting pre-colonial social and political arrangements, and to label Hutu, Tutsi, and Twa as completely distinct ethnic groups. They achieved this by using "racist ideas" about classifying people²¹³. It is probably based on colonial distortion of the social setting of Burundian society especially the use of racial ideology, that a Tutsi-Hutu cleavage and consequently animosity between the groups were created, which in turn, have influenced the Burundi conflict to be viewed by some as ethnic.

4.2 Nature and Perspectives of the Conflict

The short lived and unplanned decolonization (1958-1962) created power conflicts between the politically dominant groups: Ganwa aristocrats, Tutsi, and a small emergent Hutu elite. The King attempted to address the conflict by using material concessions as a means to appease conflicting individuals and factions. However, he was unwilling to devolve much political power, the monarchy soon became a source of conflict, and in 1964 two years after Burundi's independence, members of the main political party, UPRONA together with the elected National Assembly challenged the

²¹⁰ Jason S. Abrams, *op.cit*, p.150

²¹¹ *loc.cit*

²¹² Human Rights Watch, *Proxy Targets: Civilians in the War in Burundi*, Human Rights Watch, New York, Brussels, 1998, p.10

²¹³ Lemarchand René, 'Burundi: Ethnocide as Discourse and Practice', *op.cit*, pp.58-76

legitimacy of the monarchy. Moreover, between 1962-1965 the Ganwa and Tutsi dominance was increasingly questioned and this posed a big challenge for them to address heightened criticism of its power and privileges²¹⁴. Thus, this implies that failure by colonialists to plan for their departure, that is, by putting in place a framework or political structure by which power could be shared among all Burundian groups, sowed seeds of political dominance from which power would be monopolised by the powerful.

Lemarchand states that the end of colonial rule in Burundi was followed by “genocides and mass killings”, and deeply entrenched historical conflicts emerge whenever there is a broader social-political transition. He states that, in both cases, “a history of conflict and antagonism fuels a power struggle that ends in genocide”²¹⁵. Tribalism is the “age-old” vehicle that accounts for the spread of violence and killings²¹⁶.

Hutu and Tutsi lived peacefully as neighbours for centuries in pre-colonial era. The incidences of exclusion that emerged during and after independence “cannot be reduced to “deep-seated ancestral enmities”²¹⁷. However, according to Lemarchand the politics of exclusion was orchestrated on Burundians by colonialists²¹⁸. Given that the two groups lived in harmony in pre-colonial era, it is obvious that there must have been an external force (in this case, colonialists) responsible for the disharmony between the groups. This could have been facilitated by the policy of divide and rule, particularly, where they convinced the King to strip Hutus of their administrative positions and elevate the status of Tutsis by granting them greater power and educational opportunities. This discrimination created the class of the haves and have-nots and considering that possession of power and education translated into economic benefits and associated advantages and thereby, creating a rift between the Hutus and

²¹⁴ Warren Weinstein and Robert Schrire, *op.cit.*, pp.9-10

²¹⁵ Ervin Staub, I., *The Roots of Evil: The Origins of Genocide and Other Group Violence*, Cambridge University Press, Cambridge, 1989, p.86

²¹⁶ René Lemarchand, *Burundi Ethnic Conflict and Genocide*, Woodrow Wilson Center Press, New York, 1997, p.3

²¹⁷ Lemarchand René, ‘Managing Transition Anarchies: Rwanda, Burundi, and South Africa in Comparative Perspective’, in *The Journal of Modern Africa Studies*, vol. 32, no.4, 1994, pp.581-604

²¹⁸ Lemarchand René, ‘Burundi: Ethnocide as Discourse and Practice’, *op.cit.*, pp.58-76

Tutsis. Thus, as discussed earlier, this served to entrench Tutsi dominance over the Hutus, naturally, causing resentment and anger in the Hutus and hence, breeding conflict between the two groups.

The post-colonial conflict in Burundi has been premised on the "Tutsi-Hutu continuum". The Tutsi have been in power since independence except from 1993-96, when three Hutu presidents ruled, but even then, they were deposed by the Tutsi who controlled the military, a situation that explains the confrontation between the "politically disenfranchised Hutu majority and the ruling privileged Tutsi minority"²¹⁹. According to the preceding argument, the conflict between Hutus and Tutsis has been motivated by political exclusion. However, a number of factors such as economic exclusion, ethnicity and colonial legacy must be employed in order to provide a profound explanation of the conflict between the two groups.

The contemporary society of Burundi is fundamentally problematic. The Tutsi minority "seek ethnic security" from the Hutu majority, while on the other hand, the Hutu seek the political power that 'legitimately' belongs to them due to being the ethnic majority. The Tutsi, who have for three decades of independence politically dominated have denied the Hutu access to power. The society has failed to resolve this dilemma. "Outbursts of violence between the two groups in 1965, 1969, 1972, 1988 and 1991 have claimed hundreds of thousands of lives"²²⁰. Thus, the two opposing and irreconcilable motivations for seeking power by the two groups suggested the urgent need for third party intervention to design a formula by which power would be shared.

Herrisse submits that, the crisis that has over the years afflicted Burundi is rooted in "imported and misapplied ideologies. Most notorious among these are Christianity, racial[sic] superiority and western-style democracy"²²¹. Herrisse posits that, institutions that were established in order to sustain these concepts replaced traditional

²¹⁹ Stephen B. Isabirye and Kooros M. Mahmoudi, 'Rwanda and Burundi: The Dynamics of their "Tribal" Conflicts', in *Africa Quarterly*, vol. 40, no.4, 2000, p.23

²²⁰ Warren Weinstein and Robert Schrire, *op.cit.*, pp.9-10

²²¹ Rockfeler P. Herrisse, 'Democracy, Governance and Conflict in Burundi', <http://www.peacestudiesjournal.org>, p.2

practices and distorted indigenous social contracts. It is apparent that these factors have damaged the social fabric and created an atmosphere, which is anti-development. Among other effects of colonialism is the creation of “ethnocide” (mass killings engineered by ethnicity), which has occurred at every stage of political transition. From 1960s, the period in which the country got its independence, the Hutu and Tutsi ethnic groups have been afflicted by massive violence. These killings have occurred within the context of power struggles, but are in fact “fuelled” by ethnic prejudice²²². Thus, in conformity to this argument, the Burundi conflict is “sustained by the competition among rival political elites for state power, who mobilize their followers around ethnicity”²²³. Accordingly, ideologies that were introduced by colonialists into the Burundian society are responsible for ethnic prejudice, which has escalated into violent conflict in pursuit of political power. In other words, based on the ideological distortions of the Burundian society, ethnicity was used as a key instrument by rival politicians to pursue political power.

Heresse further points out that the Tutsi-Hutu conflict in Burundi is informed by ethnocentrism and ethnocracy. He argues that Burundians do not qualify in anthropological terms as distinct tribes or ethnic groups since they share similar culture, customs, language, and spiritual beliefs, political institutions, and cuisine. Once ethnic differences in Burundi had been manipulated as “symbols of superiority versus inferiority”, they were used as weapons in later conflicts. As a consequence, in-group members were forced to “live in a constant state of readiness for aggressive response. And so began a vicious cycle of action-reaction-vengeance”²²⁴. Thus, based on the above argument, anthropologically, Burundians qualify as a monoethnic group of people. But in order to exercise control over them, colonialists had to introduce the policy of “divide and rule” (like they did in other countries) by elevating the status of one group over the other. Naturally, this became an incentive for conflict among the Burundians.

Heresse observes that, the end of the Cold War is seen to be a major source of conflict. No longer are political struggles in pursuit of political hegemony seen in

²²² *Ibid.*, pp.2-4

²²³ Mthembu-Salter, G 2002, ‘Burundi Peace Agreement Without Peace’, *Track Two* vol.11, no.5&6, 2002, pp.22-35

²²⁴ Rockefeller P. Herisse, *op.cit.*, pp.5-6

terms of democracy and communism, but in terms of ethnicity. Whereby, in case of Burundi this bred ethnocracy. In its realistic sense, this is translated as a “racial ideology”. In Burundi, the Belgian explorers are partly accountable for circumstances that created the “racial ideology”. Missionaries, colonialists, and “neo-colonial hegemony” received some Burundian aid in constructing a “racial ideology in Burundi. Burundi’s “ethnocratic racial ideology” gave rise to a distinctive feature of ethnocracy, in which its proponents mobilize its followers towards “genocidal tendencies and behaviours. In Burundi any one can subscribe to this ideology so long as that individual has power or privilege to protect”²²⁵.

Ndikumana argues that the Burundi conflict is largely a product of “institutional failure that has perpetuated economic and political inequality across ethnic groups and regions”²²⁶. He suggests that the solution to the crisis must be found in political and economic liberalization. According to him, political liberalization aims at correcting “the tradition of ethnic exclusion in politics that which contributed to ethnic polarization”, which is a key resource for violence. While economic liberalization aims at permitting equal access to national resources by limiting the role of government as a conduit for wealth accumulation by the elite in power, thereby eliminating “ethno-regional monopolies”²²⁷. Related to the foregoing argument is that the continuing conflict is “fuelled” by political antagonism between Tutsi and Hutu ethnic elites, who are competing for control of scarce economic resources²²⁸. Since according to Ndikumana obtaining economic fortune in Burundi is related to one’s connections to state power structure, then the solution to the intractable conflict in Burundi lies in a power sharing deal across ethnic and regional spectrum.

However, according to Heresse, conflict in Burundi is rooted in “ethnic prejudice”, which is informed by colonial legacy. He states that mass killings in Burundi has often occurred during power contests, though catalysed by “ethnic prejudice”. Thus, effective third party interventionist policy in Burundi’s civil conflict, not only,

²²⁵ Ibid., p.5

²²⁶ Léonce Ndikumana, ‘Towards a Solution to Violence in Burundi: A case for Political and Economic Liberation’, The Journal of Modern African Studies, vol.38, no.3, 2000, p.432

²²⁷ loc.cit

²²⁸ Kristina A. Bentley & Roger Southall, An African Peace Process: Mandela, South Africa and Burundi, HSRC Press, Cape Town, 2005, pp.199-200

requires redress of the colonial legacy regarding ethnicity in Burundi, but a power sharing formula that promotes confidence in the political system and national identity over ethnic identity.

Ndikumana acknowledges that, “while ethnic groups do exist and have always existed in Burundi, ethnic diversity per se is not central to the genesis of conflicts; it is politicization of ethnicity that matters”²²⁹. He argues that the Burundi conflict is not directly caused by ethnic diversity, but it is because of political purposes that ethnic differences were exploited, thereby, making ethnic diversity an ingredient in generating conflict. In a bid to control power by excluding other ethnic groups, the Tutsi-Hima from the south used ethnic identity as a tool of exploitation. On the other hand, the political groups excluded from state resources, mobilise ethnic solidarities to challenge the regime in power. Thus, ethnic diversity emerged as a tool for “political competition in pursuit of economic advantages”. What is important for conflict is not about ethnic diversity, but the way in which resources from the state are distributed across ethnic groups. When the political system is discriminatory along ethnic lines, then ethnicity raises as a major cause of conflict²³⁰.

Ndikumana argues that the conflict in Burundi is not based on ethnic diversity, but political exclusion and inequitable distribution of resources. However, how can we explain the persistence of the conflict in Burundi after the Arusha Peace and Reconciliation Agreement for Burundi, which in effect, is designed to address such imbalances? This perhaps introduces a new dimension to the civil conflict in Burundi, which requires the use of the theory of protracted social change to aid us in explaining the complexity surrounding the conflict, an aim that this research responds to.

Human Rights Watch argues that although the Burundi conflict is disguised as ethnic, but largely, it is a struggle over political and economic power much like similar conflicts in other parts of the world²³¹. The protagonists engage in a fight for political power, which paves the way for gaining or controlling economic power. However, in

²²⁹ Léonce Ndikumana, Distributional Conflict, the State, and Peacebuilding in Burundi, Department of Economics and Political Economy Research Institute, Massachusetts, 2004, p.1

²³⁰ Ibid., pp.2-3

²³¹ Human Rights Watch, op.cit. p.10

order to mobilise for solidarity in support of their cause, they manipulate ethnicity by referring to the past injustices. Because the Arusha peace and reconciliation agreement for Burundi provided for power sharing, a deal which helped to end the conflict between the main warring parties, is an affirmation of the above assertion that the Burundi conflict is largely a conflict over political and economic power.

According to the Arusha peace and reconciliation agreement for Burundi, the pre-colonial period was marked by cohesion among the three groups of people in Burundi. Apart from certain traditional practices that constituted some form of indiscriminate injustice, and frustration among the Hutus, Tutsis and Twas, there was “no known ethnic conflicts” between the groups. This was due to the popular and effective system of administration under the monarch. During the colonial era, the colonialists employed a strategy of “divide and rule”, in which they introduced “a racist vision” of the Burundian people that was enforced by “prejudices and clichés relating to morphological considerations” aimed at antagonizing the different components of Burundi’s population based on physical characteristics and character traits. Also in this era, colonialists introduced an identity card, which indicated ethnic origin, thereby promoting ethnic identity at the expense of National identity. This facilitated the colonizer to accord specific treatment to a particular ethnic group depending on its “theories”. In the post-colonial period, a number of “constant phenomena” are responsible for the ignition and persistence of the conflict in Burundi. They include massive and deliberate killings, widespread violence and exclusion²³².

However, other authors document that Burundi has been “ruled by patrimonial regimes” from the pre-colonial era to the colonial and the post-colonial eras. Patrimonialism was a “self-reinforcing system” in that, leaders established institutions and mechanisms to 1) “protect and preserve privileges acquired in the system and 2) prevent entry in the club of born-leaders”. In pre-colonial Burundi, leaders were naturally determined; opportunities for social elevation were strongly determined by one’s birth rights. During the colonial era, the colonizers enforced the pre-colonial system of administration in exercising control over the population. In order to achieve

²³² Arusha Peace Agreement for Burundi, *op.cit.*, pp.1-4

this, the European colonizers needed the support of the monarch and so they institutionalized the domination of the Tutsis over the rest of the population²³³.

During the post-colonial era, “leaders perpetuated patrimonialism by actively engineering institutions and mechanisms of exclusion and repression”. In order to ensure this, force and intimidation were used as tools against those who were perceived to oppose “state ideology”. Therefore, ethnic identity became a key consideration for one’s social elevation, and ethnic exclusion became the basis for the political system, which resulted in political instability and consequently causing conflict²³⁴.

The patrimonial system also “sowed seeds of conflict by perpetuating alienation and frustration among the majority of the population, who are Hutus and non-southern Tutsis”. This created a political atmosphere that was liable to exploitation by those seeking to change the regime. Since ethnicity was the major ingredient for discrimination, it is unsurprising that the persistent conflict was perceived as ethnic²³⁵.

Thus, since from pre-colonial to post-colonial eras Burundi has been ruled under a patrimonial system, which has been promoted by mechanisms and institutions of exclusion, any durable solution to the Burundi conflict needs to provide for a socio-political system that is free from any form of ethnic exclusion, and that promotes national identity over ethnic identity.

According to Isabirye and Mahmoudi events that have occurred in Burundi since 1976 are rooted in the massive massacres that were directed against the majority Hutu population, in which up to 250, 000 of them were killed in 1972, and explain the frequent confrontation between the two ethnic groups. “The current ethnic polarisation between the two ethnic groups is neither historic nor incorrigible, but a recent phenomenon perpetrated by vested interests within and outside the country”²³⁶.

²³³ Lemarchand, R., ‘Rwanda and Burundi’, *op.cit.*, pp.18-46; Léonce Ndikumana, 2004, *op.cit.*, pp.3-5

²³⁴ Léonce Ndikumana, 2004, *op.cit.*, p.5

²³⁵ *Ibid.*, p.6

²³⁶ Stephen B. Isabirye and Kooros M. Mahmoudi, *op.cit.*, pp.21-23.

Explaining the clashes between the two groups since 1976 based on the 1972 Hutu massacres without mentioning the objective behind such an atrocity or without accounting for the massacres that occurred before 1972, such as, those of 1965 and 1969, is not grounded enough; as discussed earlier, this has been mainly the question of power struggles between the groups, whereby ethnicity has been used as a tool. Also a cursory view of the pre-colonial and colonial periods, in which groups had different roles to play depending on the class they belonged to, disputes against the argument that ethnic polarisation between the two groups is not historical.

Apparently, there are conflicting accounts of what is at the root of the conflict in Burundi. This might explain why the two major rebel groups, FDD and FNL refused to be party to the Arusha peace and reconciliation agreement which was signed in August 2000, and also why the latter continues to reject any appeal for joining the peace process. Thus, any possible settlement to the civil conflict in Burundi would require diagnosis of a clear explanation surrounding root causes of the conflict. The research applies the theory of protracted social change and responses from in-depth interviews with key informants in providing tenable explanations motivating the conflict.

"Whatever flexibility, complexity and harmony characterised Burundi society prior to its independence, certainly by the 1970s the Hutu-Tutsi cleavage had become the dominant division in the country and identification as either Hutu or Tutsi the primary determinant of political, social and economic status"²³⁷. The fact that Burundi's traditional social cohesion was disintegrated in the face of colonialism and modernisation, this explains the cleavage between the two groups. Moreover, the Rwandan Hutu revolt against the Tutsi domination during the early 1960s complemented by political developments in Burundi also catapulted the shift in the Hutu-Tutsi elite cleavage into violent conflict²³⁸.

The Hutu elite education, the exposure by Western political and social values and concepts, and the experience of the Rwandan Hutu inspired the Hutu to aspire for power that was over the years denied to them. This prompted the Hutu elite to resort

²³⁷ Jason S. Abrams, *op.cit*, p.149

²³⁸ *loc.cit*

to use of force in order to obtain power. For most of the country's history, the government dismissed the existence of ethnic conflict, arguing that ethnicity was a colonial construction or part of a deliberate strategy of the proponents of neo-colonialism that is designed to divide the Burundian society²³⁹. It was not until after the violence that erupted in 1988 that the government formally acknowledged that ethnic conflict existed in Burundi²⁴⁰. Largely, this conflict has been engineered by both Hutu and Tutsi politicians, with a goal of achieving their political ambitions by manipulating Burundi's history²⁴¹. The fact that the conflict is driven by rival politicians from both groups with an objective of attaining political power by manipulating Burundi's history, especially by focusing on colonial distortion in the social setting of Burundi's ethnic groups (e.g., elevating the status of Tutsis over Hutus), it is analytically incorrect to label the Burundi conflict as exclusively ethnic. Politicians manipulate the past injustices that were orchestrated on the Burundian society by colonialists to mobilise their group for conflict.

The regional dimension of the Burundi conflict has broadly been neglected in analyzing the conflict. Incorporating the regional dimension permits a clear understanding of the fact that ethnicity is not exclusively responsible for causing conflict in Burundi. "Like the ethnic factor, regionalism appears as a tool which has been instrumented for rent seeking, the root cause of civil wars in Burundi. Ethnic and regional factors complement each other to shape rent collection and sharing, and none of them can explain violence alone"²⁴². Thus, both ethnicity and regionalism are linked to conflicts insofar as they are dimensions on which power and resources have been premised and monopolized²⁴³.

According to Furley and May, the violence that characterised the Burundi civil war which escalated after the 1993 assassination of the Hutu President and three ministers, "naturally affected neighbouring countries"; Hutu refugees fled to Rwanda, Zaire, southern Uganda and north-west Tanzania. The entire region was destabilised by the

²³⁹ Lemarchand René, 'Burundi: Ethnicity and the Genocidal State', *op.cit.*, pp.95-96

²⁴⁰ Jason S. Abrams, *op.cit.*, p.149

²⁴¹ Lemarchand René, 'Burundi: Ethnocide as Discourse and Practice', *op.cit.*, pp.18-30

²⁴² Floribert Ngaruko, & Janvier D. Nkurunziza, *Civil War and Its Duration in Burundi*, Mimeo, Center for the study of African Economies, Oxford University, 2003, p.384

²⁴³ Léonce Ndikumana, 2004, *op.cit.*, p.6

conflict and risked the devastating effects caused by the spreading conflict²⁴⁴. Indeed the exodus of Burundian refugees into neighbouring countries especially Tanzania was characterised by serious humanitarian conditions, e.g., lack of shelter and food. This also created cross-border insecurity and threatened the security of Tanzania and Burundi as the latter accused the former for aiding the FDD rebels by providing them with bases and military equipments. In addition, this must have affected the socio-economic stability of neighbouring countries through competition for scarce resources.

Further, the United Nations reveals that the Burundi conflict has led to the killing of tens of thousands of people and caused hundreds of thousands to flee to neighbouring countries. “The conflict is part of wider Hutu-Tutsi tension in the Great Lakes Region”²⁴⁵. Purely, this is a serious humanitarian catastrophe that falls within the prescription of the United Nations’ Charter- of a conflict that threatens international peace and security and therefore demanding urgent attention by the United Nations Security Council to address it. The Burundi conflict spread to Congo and some elements of the fleeing Hutu refugees in solidarity with their Rwandan Hutu counterparts (militias and former government soldiers), who fled Rwanda after committing the 1994 Rwandan genocide, engaged in militaristic activities. Not only, did these people launch continued attacks on Burundi, and on Rwanda in late 1990s but they also joined Congolese forces, such as, the Mai Mai in attacking Banyamulenge- Congolese Tutsis. As a matter of fact, these attacks attracted the intervention of Rwanda into Congo together with other countries of the region, such as, Uganda and Burundi joining Rwanda, which intervention led to the overthrow of President Mobutu. The important feature of this conflict that is worth noting is the motivation of parties that was engineered by Hutu-Tutsi extremism/solidarity.

4.3 The Peace Process and the Arusha Peace and Reconciliation Agreement for Burundi

²⁴⁴ Oliver Furley and Roy May, Peacekeeping in Africa, Ashgate Publishing Ltd, Aldershot, England, 1998, p.254

²⁴⁵ Nathan Katzenellenbogen, ‘Burundi Faces new Spell of Turmoil’, in Business Day, October 29, 2003

The Arusha peace and reconciliation agreement for Burundi that was signed by 19 Burundian parties including the GoB but without the participation of the rebel movements, was a determination by the parties “to put aside” matters that divided them and adopt shared value systems that function to unite them, and to work together as Burundians in pursuit of national interests. Realising that peace, stability, justice, the rule of law, national unity and reconciliation, and development were the key aspiration of the Burundians, the parties committed to address the underlying root causes of the civil conflict by adopting a political system that would promote justice, pluralism, good governance, and fundamental human rights²⁴⁶.

The Arusha Peace and Reconciliation Agreement for Burundi, which, *inter alia*, provides for transitional institutions that include a Legislature, composed of a National Assembly and a Senate, Executive and Judiciary, was considered pre-eminent over Burundi’s 1992 Constitution to the extent that when any conflict arose between that Constitution and the Agreement, the provisions of the Agreement would prevail²⁴⁷. In accordance with the Agreement, the transitional National Assembly was to be composed of members of the National Assembly elected in 1993 and at least three of the representatives of parties not members of the 1993 National Assembly. The Legislative body was tasked to adopt, by a two-thirds majority, a post-transition Constitution within 18 Months of its existence. In addition, the Agreement made provisions of “a broad-based transitional Government of National Unity”, which would be composed of representatives of different parties in a proportion, whereby Hutus and Tutsis would occupy 60 per cent and 40 per cent of the portfolios respectively. The Executive was to be headed by a transitional President and vice-President, who would come from different ethnic groups and political parties, and who would after 18 Months swap positions²⁴⁸.

Given that majority of the members of the 1993 National Assembly were Hutus, nominating three representatives from parties that were not members of the 1993 National Assembly to join the Legislative body clearly implied that, by far, the transitional National Assembly would be dominated by Hutus, a development, which

²⁴⁶ ‘Arusha Peace and Reconciliation Agreement for Burundi’, <http://www.iss.co.za>, 2000, p.2

²⁴⁷ United States Institute of Peace Library, ‘Democracy and Good Governance’, <http://www.usip.org>, Protocol II, Article 15, para 3, 12 &13, August 28, 2000

²⁴⁸ *Ibid.*, para 3, 12 &13

is not responsive to the ethnic politics in Burundi. This could perhaps help to explain why the post-transitional Constitution was extensively unpopular in the Tutsi parties to the extent that they did not approve it nor did they participate in the 2005 referendum that was aimed to endorse the Constitution. This is a recipe for future conflicts and thus instability.

In view of the turbulent history characterised by genocide and other crimes against humanity, Burundian parties committed themselves to adopt political principles and measures designed to ensure that such atrocities never re-occur. These, *inter alia*, include;

“prevention, suppression and eradication of acts of genocide, war crimes and other crimes against humanity, as well as violations of human rights, including those which are gender-based; and implementation of a vast awareness and educational programme for national peace, unity and reconciliation”²⁴⁹.

Judicial instruments aimed at implementing political principles and measures were to include, enactment of legislation to counter genocide and other gross violations of human rights; establishment of an international judicial Commission of inquiry on genocide, war crimes and other crimes against humanity; and establishment of an international criminal tribunal to try and punish those found to have committed atrocities against Burundians²⁵⁰. While this is a novel idea to counter genocidal tendencies and investigate and prosecute those found to have committed atrocities against Burundians, it requires unwavering support in form of crucial information and resources from those holding state power or occupying key positions in government, a requirement which is likely not to be forthcoming given the fact that most of those holding such positions were themselves perpetrators of serious crimes against the people.

In order to guard against acts of genocide and coups d'état, and the need to achieve ethnic balance, Burundian parties proposed that the national army shall not be

²⁴⁹ *Ibid.*, ‘Nature of the Burundi Conflict, Problems of Genocide and Exclusion and their Solutions’, Protocol I, Article 6, para 2&3

²⁵⁰ *Ibid.*, para 9, 10 & 11

composed of more than 50 per cent of any one ethnic group. Similarly, an equal percentage and rationale applied to the national police force²⁵¹. Achieving ethnic balance in the army and the police, in itself, is no guarantee to preventing acts of genocide, rather, introducing policies and measures aimed at addressing the genocidal ideology or, to be exact, extremism which is strongly embedded in the thinking of some individuals, could go along way in creating a culture of humanism and tolerance upon which enduring peace can be built.

In an effort to promote national reconciliation, the parties recommended the establishment of a national truth and reconciliation Commission, which shall be tasked with investigating serious acts of violence committed in the past, and identify the perpetrators and the victims. However, the Commission shall not be mandated to deal with acts of genocide, crimes against humanity and war crimes. On completion of investigations, the Commission shall be required to propose to the competent institutions or adopt measures deemed appropriate to promote reconciliation and forgiveness, “order indemnification or restoration of disputed property”, or propose appropriate measures suitable for particular cases²⁵². Instituting a national truth and reconciliation Commission is of paramount importance considering that killings and counter killings in Burundi have been instituted in form of revenge of past killings. However, in order for this exercise to bear positive results, there is need for extensive educational programmes through the media and public debates that are aimed at revisiting and reconciling the history of Burundi with a view to creating a national consciousness in the Burundians.

The current civil war, which has been ongoing since 1993, continues despite the Arusha peace agreement signed in August 2000. The war has spread and is “currently being fought in the neighbouring Democratic Republic of Congo”²⁵³. This, therefore, has given the Burundi civil conflict a regional dimension and, hence, requires the involvement of the international community in resolving the conflict. This research explores the extent to which this effort is made within the context of the contemporary

²⁵¹ *Ibid.*, Protocol III, Article 14, para 1&2

²⁵² *Ibid.*, Protocol I, Article 8, para 1

²⁵³ Robert H. Brandstetter, 2004, ‘Burundi: A Broken Country, A broken State’, in Legun, C.(ed.). *African Contemporary Record*, vol.xxiii. Holmes and Meier, New York and London, 2004, p.373

world, in which international norms of sovereignty and intervention have been redefined.

The Tutsis who have been at the helm of political, military and economic scenes since independence in 1962, have deep-seated fear that if they lost grip on power they would “face genocide by extremist Hutus” like one that occurred in Rwanda in 1994²⁵⁴. It should be recalled that this fear was caused by the 1959 Rwandan Hutu revolution, where Hutus overthrew the King and started massacring Tutsis in large numbers and thousands of others had to flee into neighbouring countries. Thus, based on the trend of events in Rwanda, the Tutsis in Burundi thought that the only way they had to insure their security was to have strong control of power and the military.

Since the assassination of the first democratically elected Hutu president in October 21, 1993 by the military, “Burundi is experiencing genocide, albeit at a slower pace”, while the leaders are embroiled in fruitless negotiations. “Several dozens die every day. “Hundreds of thousands” have either fled into exile or are living under inhuman conditions in displaced areas within the country²⁵⁵. The conflict, which worsened after this coup d’ Etat, has since then claimed 300,000 people²⁵⁶. Based on the shift in focus of Article 2(4) to 2(7) of the UN Charter and the new conception of humanitarian intervention in the post-Cold War era, such a devastating humanitarian situation that spread across into neighbouring countries warranted international attention in form of intervention for human protection. Not only, this affected the security situation of the neighbouring countries especially across their borders, but also affected their socio-economic stability by increasing competition on scarce goods and services.

²⁵⁴ Buchizya Mseteka, ‘Are seeds of Doom Planted in Earth of Mandela’s Plan?’, in Business Day, October 25, 2001.

²⁵⁵ Léonce Ndikumana, ‘Institutional Failure and Ethnic Conflicts in Burundi’, in African Studies Review, vol.41, no.1, April 1998, pp.29-47.

²⁵⁶ ‘Women Waging Peace’, <http://www.womenwagingpeace.net>, p.1; ‘Chronology of Key events in Burundi’s 10 year War’, <http://www.alertnet.org>, p.1; ‘Burundi Peace Talks Close with Little Progress’, <http://www.cnn.com>, 30 Nov. 2000, p.1

The apparent ethnic conflict in Burundi that has resulted in genocide is “largely a fight for good jobs, administrative controls and economic advantage”²⁵⁷. In Kirundi (Burundi’s indigenous language) there is a saying, “he who takes food out of your mouth is the one who kills you”. Meaning that any massive retrenchment or dismissal following an election victory of a given party is perceived as genocide²⁵⁸. A close look at the current conflict in Burundi, conflicts with Heresse’s statement: What then explains the ongoing conflict in Burundi, given that both the Arusha Peace and Reconciliation Agreement for Burundi and the power sharing deal signed in October 2003 invite all parties to participate in the governing process and thereby benefit politically and economically?

Dludlu argues that the Arusha peace and reconciliation agreement signed in August 2000, which he calls the “Mandela deal”, is faulty. It was only signed by politicians and not the armed movements. Under the arrangement, it is unimaginable that the power-sharing deal will ever bring peace to Burundians. However, there is no viable alternative to “Mandela’s deal” on the table. The lack of a ceasefire with rebels also fundamentally reflects the limitation in the deal. It is hoped that the transitional government will engage with rebels in negotiating a ceasefire in which Mandela’s mediation is expected to play a significant role in achieving this- a step that is considered fundamental in bringing to an end the civil war. Mandela’s “rush” to signing of the Arusha agreement is considered as one of the flaws in the deal. However, his aides argue that “there is no perfect timing” for such a process. “Waiting would simply have stalled the process further”²⁵⁹.

Without necessarily dismissing the argument that waiting would have delayed the peace process, however, any deal made without the participation of all the key stakeholders, is bound to encounter difficulty or at the worst fail in its implementation. Although, the major rebel group the FDD later joined the peace process because they were confident that they would win an election organised under the Arusha peace process and reconciliation agreement for Burundi, this leaves much

²⁵⁷ Gérard Prunier, *The Rwandan Crisis 1959-1994: History of a Genocide*, Fountain Publishers, Kampala-Uganda, 1995, p.27

²⁵⁸ Rockfeler P. Herisse, *op. cit.*, p.6

²⁵⁹ John Dludlu, ‘Peace Deal End of the Beginning’, in *Business Day*, November 1, 2001

concern and casts doubt on the successful implementation of all the key provisions in the Agreement that were often very contentious in the Arusha peace process.

The Arusha Accord did not produce the "promised land", however, it produced a road map paving the way to get there. Neither party- Tutsi nor Hutu "won" in Arusha and neither party "lost". The Accord resulted in a "win-win" mentality, the very belief that had characterised the conflict for decades and had hindered efforts to address it. It was due to this mentality that substantive progress was very difficult to achieve in the first few years of negotiations. It was only through the negotiation skills of former President Nelson Mandela that parties attempted to adopt a "win-win" outcome. Although, this new compromise might have been agreed upon for tactical purposes and was apparently reluctantly subscribed to by some parties, it did eventually lead to the signing of the Arusha Accord on 28th August 2000. However, since almost all parties expressed concern about the Accord, it was evident that the Arusha Accord was "a very fragile agreement" which required much effort to make it more functional²⁶⁰. Besides the reluctance by some parties in signing the Accord, and expression of concern by almost all parties, the Accord was not signed by the rebel movements and, therefore, this cannot be reduced to a "win-win" outcome. To those who were not wholly committed to the signing of the Accord and those outside the process not by choice, the outcome was a "lose-win" situation. This was to be reflected in the fighting that ensued even after the Accord had been signed. Thus, unless mechanisms were put in place to bring aboard those outside the peace process and to cultivate confidence in parties that were signatories to the Accord, its implementation would encounter difficulties and thereby inhibit durable peace in Burundi.

The FNL which is the second largest rebel group rejected a peace deal designed to bring an end to Burundi's 10 year civil war and vowed to continue fighting. The FNL spokesman Pasteur Habimana said that they wanted to negotiate with the senior Tutsi army officers and not with government. A call by the United Nations Secretary General Kofi Annan to join the peace process was dismissed by the FNL. Habimana

²⁶⁰ Jan Van Eck, 'Polarisation of Parties into "Win Power" and "Keep Power" Camps, Threatens the Collapse of the Peace Process', Unit for Policy Studies, Centre for International Political Studies, Report no.1, April 2001.

stated that , “our movement has no problems with the Hutus but with Tutsis. We need to ask mutual forgiveness for crimes committed over the past few years and set up a cohabitation pact between both ethnicities”²⁶¹. Perhaps the desire to negotiate with the military and not with government rests in, the fact that, the military in Burundi like in many African countries is the guarantor of political power. Indeed, the FNL’s demand for “mutual forgiveness” for the past atrocities committed is not without basis; for durable peace to be attained in Burundi or for peace to be built on a firm foundation, there is strong and urgent need for reconciliation between the Hutus and Tutsis. However, the demand by the FNL is not based on honesty, since they have failed to join the peace process in order to address their concerns through negotiations.

Key aspects and developments in the Arusha peace process which contributed to the "win-lose" approach and undermined the commitment to compromise included: the exclusion of the two main rebel groups, the FDD and FNL; the exclusion of the Tutsi "hardline" groups from the process; the weakening of the two main opposition parties as a team- Tutsi-led Government and the Hutu-led FRODEBU party. Rather than encouraging the two main parties reach agreement based on the belief that the Burundian problem could have been resolved by realising this, the parties were undermined by treating them equally with smaller parties- even some insignificant ones; the creation and strengthening of multi-ethnic alliance- the Arusha process encouraged this based on the belief that it would address the Burundian ethnic division, even though the alliance partners had no common vision for the future of Burundi; leaving the critical issues of "genocide" and "Putsch" unresolved prevented trust-building- the Arusha process allowed the parties not to address the "most emotional and divisive issues" in the politics of Burundi, that is, "Putsch" of 1993 during which the first democratically elected president together with many senior Hutu officials were assassinated, the subsequent “genocide” during which "more than 100,000 Tutsis were killed by Hutus in revenge and the "massacres of even more Hutus by the Burundian army" in retaliation; the failure to produce rewards for the parties to the negotiations- both sides perceived Arusha and the host country as partisan. More critical was the blanket and untargeted sanctions that were imposed by the region of the chief facilitator of the Burundi peace process, former President

²⁶¹ Reuters, ‘Burundian Rebels Reject Peace Pact’, in Business Day, November 5, 2003

Mwalimu Nyerere (in spite of the fact that the Government was engaged in negotiations, a move which cost them by splitting the Tutsi community); key regional players continual promise of victory to certain parties- some parties were continuously told that they would be supported to “defeat” their opponents during the negotiation process so that they can emerge as the “victors”. As a result of this, these parties were reluctant to engage seriously with the opposition in search for compromise solutions; and attempts by Arusha process to fail the internal partnership- the formation of the internal partnership between the UPRONA- led Government of President Buyoya and the central component of the largest Hutu party, FRODEBU in 1998 was seen as a positive development by a cross-section of both Hutu and Tutsi. This arrangement included a new multi-ethnic “power-sharing” Government and some sort of “interim constitution”. However, some regional players perceived this partnership as “a clever attempt by the Buyoya government and the Burundi Tutsi to evade all inclusive regionally-organised negotiations at Arusha”, and went ahead discouraging key representatives of FRODEBU from signing the partnership. As a result of the divisions caused over the partnership through deliberate regional intervention, FRODEBU split into two factions²⁶².

As argued in the preceding paragraph, the exclusion of the FDD and FNL from the peace process did not help to promote peace in Burundi. This, rather, postponed the search for comprehensive peace through negotiations with the parties who did not participate in the peace process. Further, by excluding Tutsi “hardline” groups from the peace process, puts the future of comprehensive peace in Burundi in jeopardy; given the long history of confrontation and seemingly irreconcilable differences between the warring parties, all Burundian groups needed a chance to contribute towards identifying a durable solution to the problems confronting them. Thus, this is likely to undermine efforts that were made in the Arusha Agreement, consequently, blocking avenues to promote long-lasting stability in Burundi.

It was not incorrect to have treated all Burundian parties equally regardless of the size of their constituency; Burundi is a fragile society that has been almost for four decades ruled by minority Tutsis and without experience of a democratic culture, thus,

²⁶² *Ibid.*, pp.7-11

based on this reality and the ethnic politics that have over the years characterised conflict between Hutus and Tutsis, it was strategically feasible to treat all parties equally.

By having left out critical issues such as genocide unresolved in the Arusha peace process, is a big challenge that could undermine efforts to achieve comprehensive peace in Burundi. For instance, by having failed to address the subsequent genocide after the 1993 assassination of the first democratically elected Hutu President, did not help to settle deep sentiments of revenge that are still harboured by some Burundians, a move likely to encourage impunity.

Even after signing the Arusha Agreement and the ceasefire on December 2, 2002, which was seen as a breakthrough, fighting erupted in the Burundian capital. The ceasefire could not be honoured because Nkurunziza, leader of the FDD felt excluded from the Arusha peace process. Agaton Rwasa, leader of the FNL has never recognised the Arusha peace process. Both Nkurunziza and Rwasa were excluded from the Arusha negotiations that were meant to end the fighting that has killed 300,000 people. When it became clear that without the participation of the rebel leaders peace would not be achieved, Regional peace brokers will have to “unpack the hard-won” Arusha Agreement in order to involve the two major rebel movements in the peace process. They expected the rebels to accept decisions that were made without them, which included power-sharing between Tutsis and Hutus²⁶³. The Arusha peace Agreement “failed to provide for a cessation of hostilities”²⁶⁴. Inevitably, by excluding the rebels meant that peace was far from being realised. Although, the FDD has joined the peace process with the FNL still outside the process, without revisiting the Agreement to involve all Burundian parties especially the rebels in discussing the major provisions that were arrived at after more than 3 years of negotiations, the agreement leaves room for future contention and, thus, sliding the country back into conflict.

²⁶³ Jean-Jacques Cornish, ‘Burundi Needs a New Deal’, in Mail & Guardian, July 18-24, 2003.

The failure of the Summit of Regional leaders in Dar es Salaam to reach an agreement on implementing the Burundi ceasefire signed on December 2, 2002 has devastated public opinion in Burundi and the people have lost faith in Arusha peace process. This is also a reflection of the flawedness in the Arusha Peace Agreement, which failed to involve the FDD and the FNL. The Agreement “must be revisited and probably reopened. Parts of it will have to be renegotiated to include the FDD and the FNL ... it never was feasible to come aboard late and be forced to accept a *fait accompli*”²⁶⁵. The fact that, the rebels were not involved in the peace process that produced the Arusha Agreement and which had provided for the ceasefire accord, it was bound to be difficult to reach agreement on implementing the ceasefire. Not only, would the full participation of all parties to the conflict ensured successful implementation of the agreement, but would have also more possibly provided a guarantee to comprehensive peace in Burundi.

Long-term stability in Burundi is far from being realized given that the FNL has refused to halt fighting. Burundi’s second largest rebel group, the National Liberation Forces (FNL), which was not party to the December 2002 ceasefire agreement between the government of Burundi and warring parties, has repeatedly rejected peace talks with government. Pasteur Habimana, an FNL spokesperson, dismissed the October 2003 Pretoria deal as a “non event”. The deal was signed between the president of Burundi’s transition government, Domitien Ndayizeye, and the leader of the main Hutu rebel group, Pierre Nkurunziza, of the Forces for the Defence of Democracy (FDD) to implement the December 2002 ceasefire agreement. Habimana who said that he did not recognize Ndayizeye’s government, asserted that, the agreement was “not a solution to Burundi’s problem, the war will continue because there can be no solution as long as there is no real negotiation between the Hutu and Tutsis”²⁶⁶. Despite the ethnic composition of the government, the FNL, which is composed of the Hutu, views the conflict in ethnic terms and treats “the Tutsi as its real enemy” and the Hutu in government as Tutsi puppets²⁶⁷. Incorporating the FNL’s

²⁶⁵ Jean-Jacques Cornish, ‘Back to Basics in Burundi as Talks Fail’, in Mail & Guardian, September 19-25, 2003

²⁶⁶ ‘Burundi Peace Talks Stalled’, <http://www.news24.com>, 15 Sept. 2003, pp.1-2

²⁶⁷ Human Rights Watch, 2003, ‘Everyday Victims: Civilians in the Burundian War’, vol.15, no.20, 2003, p.1

position, which is informed by Habimana's statement into any possible intervention efforts, perhaps, might be part of key considerations to route Burundi on the road toward comprehensive peace.

After failing to defeat the FNL, Van Eck suggests that for Burundi to achieve durable peace, a political solution must be forged to include the FNL in government rather than opting for a military solution²⁶⁸. Moreover, without including the FNL in the peace process, "the war and the killings will continue"²⁶⁹. Van Eck argues that if this persists, political and ethnic polarization will continue to broaden, a situation that will hinder a negotiated settlement to the conflict. Thus, inquiring into the FNL's perspective toward resolving Burundi's civil conflict is crucial in the search for a plausible explanation of the complexity surrounding the intractable conflict.

4.4 Field Work Information: Burundian Officials

4.4.1 Dimensions of the Burundi civil conflict

Before colonialism, ethnicity was not a problem at all, Burundi was a very integrated Kingdom and Burundians lived peacefully under the same King. The King wielded all power and neither Hutus, Tutsis nor Twas claimed ownership of power. Both Hutus and Tutsis were equally appointed by the King to serve on the loyal court each with a different role to play. Many chiefs were from the loyal family and only a few Hutus and Tutsis occupied such positions. It was only after the end of the colonial era with the negative influence of colonialism, such as divide and rule, that ethnicity became an issue and became a tool that was used by politicians to accede to political power; they excluded some groups while giving opportunities to a few and this created deep-seated resentment towards those rulers and a desire for vengeance in the excluded. The excluded therefore thought that the only way to liberate themselves was to launch a military campaign using ethnicity as an instrument. The Hutus felt alienated on

²⁶⁸ Jan Van Eck, 'Challenges to a Durable Peace in Burundi' ISS Situation Report, 15 April 2004, p.2

²⁶⁹ Jan Van Eck, 'Mandela Mediation breathes New Life into Burundian Peace Process', Burundi Report 2000/1, Unit for Policy Studies (UPS), Centre for International Political Studies, University of Pretoria, Pretoria, p.5

ground of their ethnic background since they were excluded from occupying all the key positions in the country and thus the only way out was to launch a military campaign based on ethnicity. Therefore, based on this information, ethnicity which was unheard of in pre-colonial Burundi could have been a creation of colonialists through the policy of divide and rule. Post-colonial leaders manipulated this by using ethnicity as an instrument to exclude those from a different ethnic background. This created resentment in the excluded, who in turn, mobilised around ethnicity to escalate the civil conflict.

Ethnicity started during colonial administrative reforms: Only Tutsis and Ganwas were retained in administration and given education. However, the ethnic problem escalated during the period between 1962 and 1966 in Parliament. This involved the killing of the first Prime Minister, Ngendandumwe Pierre in 1964. Between 1967 and 1968 Hutus plotted to oust President Micombero, he turned against them and killed all the Hutus in the army and a number of civilians. In 1972 Hutus from Tanzania killed a lot of Tutsis in an attempt to oust Micombero, who in turn took vengeance by killing a number of Hutus. This created resentment and scepticism between Hutus and Tutsis. During the first democratic elections of 1993 ethnicity was used as a major tool by Hutu politicians in order to win power; they drew from the exclusion that Hutus experienced under the Tutsi decades of rule and killings inflicted on them during that period. The civil conflict escalated after the death of the first democratically elected Hutu President. Hutus killed Tutsis massively and this was the time similar killings were being done in Rwanda and thereby creating regional instability. It was after this that Hutu rebel movements were born with a goal of fighting the Tutsi army that was anti-democracy. In all this, killings were carried out based on ethnicity. In light of the preceding information, the fight for political power stands out as a key issue of consideration; both Hutus and Tutsis in an attempt to capture and/or defend/ maintain political power used ethnically motivated killings and the past exclusionary policies (on the part of Hutus) and a history of massacres (on account of Tutsis).

Ethnicity has a very big influence in the Burundi conflict. Both in Rwanda and Burundi ethnicity did not exist per se, it was a creation of colonialism. They created this by drawing a distinction of who was a Hutu and a Tutsi, initially, favouring Tutsis and later favouring Hutus towards independence. In Rwanda during 1959, colonialists

supported the social revolution of the Hutus, this was a turning point because ethnicity became violent for the first time in the history of the region. People were killed based on ethnicity and also people captured power in the name of ethnicity. From that time until now the history of Burundi has been a “fight between Tutsis, Hutus and power”. Hutus in Burundi tried to emulate the Rwandan example by taking power by violence (e.g., in 1965, 1969, 1970, 1980) and while on the other hand, Tutsis resisting by arguing that if Hutus took over power they will have to be massacred and become refugees. Thus, “ethnicity is at the centre of the political life in Burundi”. Massive killings were committed in the name of ethnicity e.g., the 1993 assassination of President Ndadaye was followed by massive killings of Tutsis. Events that happened in Rwanda in 1994 where Tutsis were massively killed often were repeated in Burundi.

According to some respondents, ethnicity is not the cause of conflict in Burundi but those who launched the conflict used it as a tool to protect and pursue their interests. Politicians used ethnicity as a mobilization tool in order to pursue their interests. For example, the Tutsis mobilized around this by arguing that since Hutus were the majority they were going to exterminate us and so we should join hands to fight them. Similarly, Hutu politicians in pursuit of their interests called upon their counterparts to fight and defend themselves against the Tutsis- argued that the Tutsis dominated the army. While another respondent argued that ethnicity was not a major problem but was used as an instrument by politicians to exclude people from a different ethnic background, which resulted in deep-seated anger and resentment between Hutus and Tutsis.

Regionalism is a component of the civil conflict in Burundi. During the Arusha talks it was established that the Burundi conflict was political with a strong influence of ethnicity and regionalism. Regionalism is very recent compared to ethnicity. It emerged after the departure of colonialists and it was exploited as a means of consolidating and capturing power: On November 28, 1966 Captain Michel Micombero, who was then the Prime Minister of the Kingdom of Burundi waged a military coup and toppled the King and formed the first Republic of Burundi. Because he was from the south of the country, Bururi province he appointed only people from Bururi since power had previously been concentrated in the centre of the country in

the province of Murambya, which was the headquarters of the kingdom. He dismissed all those from Murambya and appointed majority from the south (Bururi). Burundians from other provinces thought that there was an imbalance and injustice because all presidents hailed from Bururi, with all key positions in government held by people from Bururi. Politicians sought to consolidate power at the expense of the other regions while politicians from other regions mobilized around regionalism in order to capture it by arguing that Burundi will only attain peace when power shifts from the south to the north. This divided the country along regional lines and from that time until now regionalism is a reality (even in the rebel ranks people were divided along regionalism and also among the political parties regionalism is a dividing line). For example, Tutsis from Bururi had closer ties with Hutus from the same region (Bururi) than their Tutsi counterparts from other regions. Tutsis in power gave opportunities like jobs to Hutus from Bururi and not to Tutsis from other regions.

Regionalism played a big role in the Burundi conflict. For instance, because the army was considered as a guarantor of those in power, all senior positions were occupied by those from the President's region (Bururi province). Business opportunities were given based on one's regional background. Only Tutsis from Bururi were considered for key positions in government and that explains why Tutsis from other regions joined CDD-FDD (a Hutu party) in protest of their marginalization. Tutsis from other regions were considered as "second class" by Tutsis from Bururi province. In the same vein, Hutus from other regions resented Hutus from Bururi. As a matter of fact, the current government is dominated by people from other regions with Bururi marginalized. It is said that "there was a change of government from Tutsis to Hutus and change from one ruling region (Bururi) to other regions- it is regarded as independence from Bururi political dominance".

However, a respondent argued that regionalism was not a big issue in Burundi as it was in Rwanda; the main problem is ethnicity because when killings breakout both Hutus and Tutsis gang together as an ethnic group- killings are done indiscriminately against a given ethnic group regardless of one's regional background.

Accordingly, based on the role that regionalism played in influencing the conflict, respondents consider it as a key component of the Burundi civil conflict. For instance,

key appointments were based on one's regional background regardless of their ethnic orientation; key politicians (e.g., head of state) and senior military officers hailed from the South (Bururi); and regionalism was used to consolidate and capture power. The fact that some Tutsis joined CNDD-FDD, a Hutu party which was responsible for the killings of thousands of Tutsis is evident enough to illustrate the extent to which regionalism was influential in the civil conflict in Burundi. Thus, we can fairly say that both ethnicity and regionalism were used by politicians as tools to preserve, and to struggle for, power.

People were excluded because of their ethnic background, this created a strong ethnic consciousness which resulted into conflict. Exclusion has been a strong factor in fuelling the civil conflict in Burundi; political power in Burundi was regarded as the source of wealth, thus political exclusion created a feeling of alienation in Hutus and created conflict. In Burundi and in many African countries the economy is dominated by the state; the state is the major employer, there is no strong private sector. "If you have a strong position in politics then you will also have a strong position in the economy. In Burundi, business with the private sector was guided by relations one had with government officials and where one hailed. The Tutsis have dominated in politics for a long time and indeed they have also dominated the economy because the two are linked". Thus, politics created economic exclusion; "when you are denied political power you are inevitably denied economic wealth". In other words, those who were denied political opportunities were inevitably denied the means of survival and so this was exploited by politicians in mobilizing support from the economically disadvantaged in order to change the status quo through armed confrontation. Also this raised both regional and ethnic sentiments against those in power. For instance, if one had to conduct a survey, "80 per cent of the rich people whether directly or indirectly got their wealth from government". Thus, since government was the guarantor of such opportunities, people had to wage war in order to capture power as the source of employment, money and livelihood.

Hutus who were economically sabotaged by those in authority could not get justice as the justice system was dominated by Tutsis- this created desperacy in that the only option left was to launch an armed struggle. Economic exclusion also created

increased poverty in the people, who were left vulnerable to join armed struggle as a means of survival.

What can be drawn from the above arguments is that, not only, did exclusion based on one's ethnic background create strong ethnic consciousness, a resource that highly motivated conflict, but the strong link between political power and one's economic wellbeing was another key factor that greatly influenced the civil conflict; conflict was waged in order to end political alienation and therefore ensure economic survival.

Colonial legacy is the basis of imbalances, exclusions and injustices that were later observed in the Burundian society; they created ethnic consciousness among Burundians by labelling some as Tutsis and the others as Hutus and classifying some (Tutsis) to be wise and intelligent and were therefore sent to good schools to prepare them as administrators while others (Hutus) were considered less intelligent and were prepared to engage in agriculture. In 1935 the Belgians carried out administrative reforms and advised the King to dismiss all Hutu chiefs and sub-chiefs alleging that they were inefficient. Only Tutsis and Ganwas were sent to schools because they thought that they had more in common with Europeans. However, at the time of independence in 1960s when Tutsis demanded immediate independence, they shifted allegiance to Hutus (majority) suggesting that democracy should be introduced in the country whereby, the majority should rule and so they began to prepare them for leadership by supporting the creation of their political parties. In Rwanda they supported the Hutus to overthrow the Monarchy. Thus, the divide and rule policy of colonialists was reflected in the way the country was run by successive governments in Burundi.

Colonialists antagonized Burundi ideologically; although they classified Tutsis as good, knowledgeable and efficient administrators and while Hutus as bad and less knowledgeable people, they claimed that Tutsis had come as invaders who imposed a monarchy system on the indigenous people- Hutus. This created resentment and low self-esteem in Hutus and thought to revolt against Tutsis. Later colonialist reasoned that for stability to prevail, the indigenous people, the Hutus have to take charge of political power. Given what had happened in Rwanda in 1959, the Tutsis had to create their own army and consolidate state power so that Hutus could not eliminate them.

However, much as colonialists failed to prepare Burundians to govern themselves after they had left, it is not true to claim that the divide and rule policies of colonialists created antagonism among the Burundians, this was deliberately orchestrated by the elite in order to serve their interests. In other words, “post-colonial leaders used colonial legacy as a pretext in order to mask the real problem”. Burundians failed to realize that bad leadership was ruining the country, but chose to interpret this as bad seeds that were sown by colonialists. For example, Prime Minister Rwagasore was overwhelmingly elected by both Tutsis and Hutus because he had a nationalistic vision, suggesting that the impact of colonialism had not divided Burundians as people claim.

Based on the submissions above, we could conclude that colonialism was responsible for divisive policies and unfair class stratification, key factors that created ethnic antagonism among Burundian groups and, as a result, significantly influenced violent conflict in post-colonial Burundi. However, this should not rule out, the fact that, post-colonial leaders have had a role to play in creating conflict among Burundians. This has been expressed through greed for power- have manipulated colonial legacy in pursuit of their personal ends.

The root cause of Burundi’s civil conflict lies in the manipulation of ethnicity and regionalism to gain power. Hutus claim power because of their big numbers while Tutsis claim it under fear of massacres if Hutus captured it. Thus, “Tutsis used power as their source of security”. Implying that the fight for power is the root cause of the Burundi civil conflict. For example, power has been acceded to through coups d’Etat until 1993 when the first democratic Hutu President was elected. On the other hand, it is argued that the fight for power is driven by the desire to obtain economic opportunities and benefits which extend to relatives and cronies. When one “occupies a political position his whole clan becomes rich”, which in turn attracts resentment from those denied such benefits. Greed of politicians which resulted in exclusion and consequently, ethnic antagonism explains the root cause of the civil conflict in Burundi.

Civil conflict in Burundi is rooted in ethnicity-“strong attachment to one’s ethnic group creates sentiments to exclude others who do not belong to one’s group”. This

has been perpetuated by the elite in their struggle for power. However, other respondents argued that it is the “divide and rule” policy of colonialists that created antagonism among Burundians after they had left.

Bad governance; leaders not visionary and failure to promote national interests by treating people equitably. For instance, People from the same locality “monopolized power in the name of Tutsis with a goal of mobilizing Tutsi solidarity against Hutus while not all Tutsis were benefiting”. Thus, they masked under pursuit of security for Tutsis while monopolizing political and economic power. Other respondents singled out exclusion as the root cause of the conflict; the feeling that certain people cannot rule and so power should be controlled and dominated by a certain group. On the other hand, some respondents argued that poverty was to blame for civil conflict in Burundi; politicians used it as a tool to mobilize peasants to kill their neighbours of a different ethnic group and thereafter take their possessions.

One should then, fundamentally, argue that the fight for power and exclusionary policies mark the root cause of Burundi’s civil conflict. As argued earlier, political power in Burundi determined economic life implying that when one was left out of the political scene it was a condemnation to starvation and, therefore, a basis for mobilising for conflict by manipulating ethnicity as a tool.

4.4.2 The Arusha Peace and Reconciliation Agreement for Burundi and Addressing the Burundi Civil Conflict

The Agreement and the Constitution, which was produced by the Agreement, are fundamentals upon which power, which is the key ingredient of conflict, was addressed. The Agreement also provided a solution to the problem of power in security sector, whereby it was decided that security institutions be shared equally between Hutus and Tutsis. Although, the Agreement is fundamentally good, a key to resolving the conflict but the problem lies in its implementation: representation of Hutus and Tutsis in the National Assembly is problematic- are Tutsis representing Tutsis supposed to come from Tutsi parties or not? Tutsis lost somewhere; what they had won in Arusha was lost in the Pretoria Agreement during negotiations. South African experience was not favourable to the Tutsis; 40 per cent representing Tutsis

were to be drawn from any party regardless of whether the party was a Hutu party or not. The concern is that most of the 40% representing Tutsis in the present government were drawn from the ruling party which is a Hutu party, CDD-FDD. Moreover, Tutsi parties claim that those Tutsis from Hutu parties “are not wholly Tutsis because they have a Hutu ideology”. Thus, the ethnic power sharing quota system is not a solution in the long-run because the problem in Burundi is not ethnic but political. Ethnicity was simply used as a tool to obtain political power. In addition, one respondent argued that the power sharing quota system could perpetuate the Hutu/Tutsi sentiment among the Burundians. For instance, why doesn’t 40 per cent for Tutsis and 60 per cent for Hutus match population representation of the ethnic groups? Although, the power sharing formula, which will only apply in the first Legislative Assembly is not sustainable, it was the only tenable solution at the time as a means to end fighting.

It is fundamentally, important to address grievances of the Tutsi parties concerning genuine representation of the Tutsis in both cabinet and legislative assembly in order to avoid future confrontation of Hutus and Tutsis. This is based on the fact that, sharing a similar ethnic background does not necessarily imply that you share similar convictions or ideologies, thus, justifying concerns of the Tutsi parties. This further affirms the argument that conflict in Burundi is not ethnic but political. However, this does not imply that ethnicity has not influenced the conflict to some considerable degree. Thus, this requires political mechanisms that are strongly influenced by the ethnic configuration of the Burundian society in order to address the conflict. Suggesting that in order to ensure successful implementation of the Arusha Agreement and, therefore, route Burundi on a firm road to enduring peace, fair representation of both Hutu-Tutsi parties, which should go beyond the first legislative assembly is inevitable.

“Arusha is like a bible for Burundi”, said a respondent. It addressed all issues and concerns that faced Burundian parties. It provided a foundation upon which the ceasefire negotiations were carried out between rebels (who had not participated in the Arusha negotiations) and the government of Burundi. Although, some smaller parties had refused to sign the agreement with the influence of Mandela and President Kagame of Rwanda they signed it with reservation, it was nonetheless, a strong

commitment of the Burundian parties to end the civil conflict. However, the agreement failed to address the problem of impunity, in that, those who killed massively are the ones now occupying government. By having signed the agreement with reservation implies that unless there are further discussions to address concerns underlying such reservation, implementation of the agreement will encounter difficulty, a situation that may slide the country back into violent conflict. The question of impunity must be dealt with decisively as a measure to discourage the promotion of a culture of impunity, and to promote reconciliation. This will also prevent revenge killings like was the case in 1993 after the death of the first democratically elected Hutu president.

The agreement was the basis on which all subsequent accords like the ceasefire were made. It provided the framework for reforms in the Judiciary, Army and Police. However, the agreement was only negotiated by party representatives without consulting or, the participation of, the Burundian public. Only politicians participated without the rebel movements and that is why even after signing the Agreement armed confrontation went on, though, this was later addressed by the ceasefire agreement that was signed between the government of Burundi and the CNDD- FDD. The ceasefire agreement acted as “a seal” for the Arusha peace and reconciliation agreement for Burundi since it was, unlike the latter, signed by the belligerent forces consequently leading to peace in most parts of the country. In addition, the agreement provided for a Constitution, which was accepted by Burundians through a referendum, and now the focus to bring about desired change. Although, CNDD-FDD did not participate in the Arusha peace agreement, they recognized it because it addressed the fundamental problems of Burundi. The failure of the FNL to join the peace process challenges the Hutu cause of fighting as the Hutu concerns have been addressed (for example, through political and military power sharing). The fighting will not have a big impact since they are politically bankrupt. At some point government agreed to meet their demands but they kept adding on the list of demands, thereby frustrating the peace process.

In order to allow for successful implementation of the Arusha Agreement there was need for the participation of all Burundians. Thus, there is need to unpack and rediscuss key parts of the agreement, e.g., the question of justice/impunity, by

involving all Burundians. This will ensure that all Burundians own the peace process and, therefore, help smooth implementation of the agreement. On the question of the FNL, with cooperation of neighbouring countries and support from the international community, the government of Burundi should engage with the rebel group in an attempt to address their concerns, or else, the country will not achieve comprehensive peace.

The Arusha agreement enabled the return of refugees and holding of elections, however, there is need for extensive discussions among Burundians as a society, if at all, enduring peace is to be possible. Although, the Arusha agreement permitted various parties to discuss issues confronting Burundians, it is not sufficient enough to resolve the conflict among Burundian groups without addressing the problem of poverty.

Indeed, there is need for extensive discussions among Burundians concerning the Arusha agreement in order to ensure long-lasting stability in Burundi. For instance, the distorted history of Burundi's ethnic groups that was coined by colonialists, needs to be discussed at length as a measure to address the deep-seated enmity between Hutus and Tutsis, a factor that has been seen by some to be the source of Burundi's civil conflict.

Further, the agreement was both beneficial and a limitation; it helped to cultivate a democratic culture and, therefore, address the change of governments through coups. This has encouraged accountability in the current leaders as opposed to the past leaders who only pursued their interests and, on the other hand, the agreement imposed a flawed Constitution, which promotes ethnic power sharing in favour of Hutus while all communities are equal. This is a basis for future conflicts.

It is early to conclude that the Arusha agreement has created a democratic culture through which peaceful change of governments is a reality; without effectively addressing the issue of political power in which all parties will not have a feeling of alienation (like it is the case now), peaceful change of governments in Burundi may not happen in the foreseeable future. Although, the current Constitution was passed through a referendum, it was not generally accepted by Tutsis. Given that Burundians

did not participate in Constitution-making undermines the legitimacy of the Constitution and, therefore, fails to provide a solid ground for peace-building in Burundi.

4.4.3 External Intervention and Resolving Burundi's Civil Conflict

Third parties have played a tremendous role in avoiding escalation of the conflict. Although Burundian parties had tried to resolve the conflict on their own, they realized that they could not manage without third party intervention. Conflict had escalated by 1996 and it is during this time that former President Nyerere was nominated as chief mediator. The regional initiative for Burundi together with Nyerere and Mandela played an important role in the negotiations as they could exercise pressure on different parties. External parties (AU- that is, SA, Mozambique, and Ethiopia) also played a crucial role after the ceasefire agreement had been signed, considering that the UN had refused to send troops because FDD had not disarmed. AU force monitored and observed the implementation of the ceasefire by both parties. Even after signing of the ceasefire in December 2002, fighting went on until November 2003, with the AU troops only reporting the fighting.

Had the Regional Initiative for Burundi not imposed an embargo on Burundi to force the government of President Buyoya to negotiate with rebels, there was a determination to resolve the conflict militarily since the Burundian army was strong, however, the rebels were also determined to fight on. Moreover, it was important that third parties intervened in the Burundi peace process since it had become obvious that parties had failed to agree; both held conflicting positions, which seemed irreconcilable. Thus, without the intervention of third parties, parties could have opted to fight on until one side was defeated, a situation which would have resulted into a number of deaths and massive population displacements.

However, President Nyerere and leaders of the regional initiative for Burundi very often despised and rejected opinions of representatives of the government of Burundi, this led to delays in the negotiations. For example, Tanzania and Uganda's neutrality was questioned as they were considered to favour the rebel movements.

If third parties had not intervened, lots of people would have continued to die, and others displaced, as long as issues of concerns between parties were not addressed. A respondent submitted that had third parties not intervened “things would have seriously worsened; we would have had another Rwanda because both warring parties were desperate”. The role of third parties has been extensive; they played a key role in instilling confidence in Burundians by insuring that the situation in Burundi does not degenerate into chaos. While third parties played a key political role in restraining belligerent parties from continuing with the fighting, they also restrained some elements in the army who would have desired to threaten stability.

Third parties helped to support the peace process by ensuring that the Arusha agreement was implemented or else warring parties would have disregarded the agreement leading to renewed confrontation. For instance, Ndayizeye’s government had blocked food supplies to the CNDD-FDD combatants who had regrouped for disarmament, the UN had to intervene by providing food supplies, otherwise, out of desperacy the rebels would have resorted to fighting in search of food and thus resulting into massacres.

Third parties also managed to resolve three contentious issues that would have escalated the conflict: proposed a 50/50 per cent composition of the army to both Hutus and Tutsis, which had been rejected by Tutsis; determined the transition period and who had to rule during the first period; and brokered the ceasefire agreement, which created confidence in exile Hutus and those who were fleeing into Rwanda.

On the other hand, a respondent claimed that third parties only intervened after genocide had occurred in Burundi; they were only helpful in facilitating talks between parties that aimed to search for a solution to eradicate genocidal tendencies. Third parties did not play a significant role since they only intervened when the armed confrontation had almost ceased, that is, around 1998. Third parties did not prevent civilians from being killed sometimes by government or rebel forces. For example, almost four years back when the FNL attacked Bujumbura, external forces had to flee the fighting.

Additionally, external intervention helped to instil both moral and psychological security in Hutus especially former exile leaders since they had lost trust in the Burundian army. Hutus were confident that in the event that the army developed an intention to overthrow government, external forces would quickly intervene to foil the move.

Although the presence of external parties has helped prevent killings and population displacements, but after they have left “whether or not it takes a while, unless there is justice, people will have to revenge on those who killed their relatives. SA troops offered protection to former exile leaders who left the country after killing people. This has been followed by the release of political leaders found guilty by courts of law to have incited killings. Intervention would have rather started with tribunals to try such leaders, otherwise, this has created room for future armed conflicts.

As submitted by respondents, third party intervention has been enormous on the diplomatic and political front; were helpful in facilitating negotiations that addressed key issues, e.g., power sharing, which were a source of conflict. However, as far as, military intervention is concerned, third parties contribution was insignificant; although, they intervened late after massive killings had been carried out, they failed to prevent civilian killings perpetrated by warring parties. This also challenges the need to launch intervention for human protection that has been occasioned by the post-Cold War era, in which human rights have gained wider recognition, and international norms of sovereignty and non- intervention redefined.

Moreover, this raises the question of early warning mechanisms, which would unveil potentially precarious situations that demand urgent intervention both in terms of diplomatic/political and military policies in order to address them and, thereby, prevent mass killings of civilians.

South Africa played a key role in promoting peace in Burundi. Mandela’s mediation was a key factor during the negotiations; “I am not sure whether we would have reached agreement without Mandela”. His personality and experience in negotiations greatly facilitated reaching the agreement. Mandela used his charisma and international standing to mobilize the international community (the United Nations,

US, EU and AU) to come to the attention of the Burundi conflict. He often invited heads of states to boost the negotiations, for example, during the signing of the Arusha peace and reconciliation agreement for Burundi, he invited President Clinton to witness the occasion. Unlike his predecessor, Nyerere, Mandela was impartial in the sense that “he pushed hard on both sides”, applied a softer stance on all parties, this created trust in parties and quickened the negotiation process. He used this through administration of carrots and sticks. Although, Mandela appeared tough at times, he was very honest and just, he was “a gift of God to reconcile Burundians” because without him the peace process would have not been successful. Without his intervention efforts, the Burundi “conflict would have escalated into a very big civil war”. Realizing that political power was at the heart of conflict in Burundi, Mandela proposed a power sharing quota system (60 per cent Hutus and 40 per cent Tutsis) in cabinet and parliament with equal numbers of the two groups in the military and police.

Mandela’s charisma, fear and respect that the Burundians attached to his person, made it possible for some decisions, which were considered impossible to be made. For example, the 50/50 per cent split in the army shared by both parties. Whenever there was a problem, Mandela invited parties to SA and all were keen to listen to him because he represented a big country whose conflict was quite similar to the Burundi conflict.

SA’s experience in addressing the white and black conflict was greatly borrowed in helping to resolve the Burundi civil conflict because to some extent the two countries underwent a similar experience. Moreover, SA was instrumental in organizing several meetings designed to convince parties towards resolving the conflict, and in negotiating the return of former exile leaders to participate in negotiations and in the transitional government. Mbeki’s political weight helped to reduce tension among parties.

Zuma and Mbeki also played an important role by helping parties reach compromise. Their wider experience in negotiations, and in particular Mbeki’s intelligence and diplomatic craftiness, and Zuma’s wisdom and patience, greatly helped the Burundi peace process. President Mbeki’s intervention whenever there was a deadlock in the ceasefire agreement was crucial in striking compromise between the warring parties.

In addition, SA diplomats employed “strict diplomacy with impartiality”, and they drew upon SA’s experience in resolving their conflict in order to facilitate the Burundi peace process. However, SA’s technical teams were not so helpful; they lacked a clear understanding of the issues under negotiation.

SA approach of resolving the Burundi conflict by inviting and negotiating with individual parties and after which negotiating with both parties in collaboration with Tanzania, helped tremendously in addressing the Burundi conflict. After such effort, SA would call a regional meeting in order to harmonize efforts aimed to promote peace in Burundi.

However, according to a respondent, South African diplomats did not possess profound knowledge of the dynamics of Burundi’s civil conflict, they only followed what they had been told to the extent that they thought that the Burundi conflict had a lot in common with pre-1994 South Africa, whereby they thought that Hutus lived in separate provinces, suburbs, towns, etc., different from the Tutsis, which was not the case. SA’s diplomats were “supposed to study the history of Burundi” especially regarding conflict resolution, that is, how authorities in Burundi beginning with the reign of the Monarchy resolved conflicts or how justice was arbitrated. Thus, although, SA diplomacy was helpful, but will not address the conflict in the long run; “according to the Burundian culture without asking for forgiveness or making reparations, one has to revenge for the killing of his relatives even if it takes a hundred years”.

Accordingly, South Africa’s diplomatic mediation has extensively benefited the Burundi peace process, for instance, Mandela’s international accreditation, impartiality and experience in negotiations lent big weight to the peace process by creating trust and respect in both parties. South Africa’s approach in engaging with the international community in an attempt to seek for support, and with Burundi’s neighbouring countries that were involved in the search for peace in Burundi, notwithstanding, several supportive meetings (to the efforts of the regional initiative for peace in Burundi) held with the warring parties, combined to move the peace process forward. Further, the peace process was facilitated by, the fact that, South Africa, to some extent, shared similar experience (during apartheid) with Burundi.

However, the peace process was undermined by the insufficient and inaccurate information on historical arbitration of justice that was possessed by South African negotiators and technicians. Since the two countries underwent different historical experiences regarding the governance system and the genesis of the conflicts, it was a diplomatic oversight to have largely treated the Burundi civil conflict as the pre-1994 South African conflict. Thus, unless the question of justice is addressed by borrowing from Burundi's historical justice system, it is highly unlikely that the country will enjoy comprehensive peace in the long term.

After the Arusha agreement had been signed, the UN was supposed to send peacekeepers but refused arguing that the major rebel group, CNDD-FDD were still fighting. SA had to stand in by deploying its troops. This was crucial as it helped implementation of the Arusha agreement, in particular, the transitional government, as a number of signatory parties had refused to return home and join the government without the presence of a foreign force to assure their security. Following SA's deployment, Hutu exile leaders returned in large numbers. Their presence created an equilibrium force, which facilitated negotiations inside the country. For example, because of the presence of SA troops, Hutu politicians felt confident during negotiations with their Tutsi counterparts. Moreover, it would have been impossible for President Ndayizeye, a Hutu to dismiss his Tutsi vice-president without the intervention of the army. Thus, the presence of SA troops dispelled any intention of an attack on the returning leaders. In addition, the show of force exhibited by SA troops instilled a sense of security in the population. Further, the presence of SA peacekeepers brought an end to Hutu mobilization by politicians, which was motivated by intimidation and threats posed by the Burundian army.

We can therefore argue that the presence of South African troops dispelled tension and fear that was apparent in Hutus by creating a sense of psychological security in them, thereby, promoting a peaceful environment upon which negotiations would take place, and also by eliminating the build-up (mobilisation) for conflict that was on-going.

When the AU took over from SA, SA contingents led the Mission. Until the arrival of the UN troops, SA contingents only provided protection to Hutu former exile leaders,

but did peacekeeping under the UN mission. SA troops helped to provide protection to former exile leaders, who had lost trust in the Burundian army. This enabled former exile leaders to participate in the negotiations that were aimed at implementing what had been agreed upon in the Arusha agreement. This also created a sense of security in the Burundians who supported exile leaders.

Although, protection to former exile leaders (thought to have committed atrocities against the Burundian people especially in 1993 after the assassination of the first democratically elected Hutu President) by South African troops created a sense of stability by preventing any attack against the leaders, which attack would have otherwise escalated the conflict, this in reality should be seen as a temporary measure since South African troops are not going to ensure permanent protection for these leaders. Which, scenario raises the issue of justice for peace in Burundi.

However, civilians continued to be killed by rebels even in the presence of SA troops, who did not intervene to protect them. In collaboration with the Burundian government SA troops played a role of observer after the ceasefire had been signed. While under the AU, SA troops provided protection to former exile leaders, under the UN they were deployed in various parts of the country and their role extended to include civilian protection, and protection of ex-combatants in areas of reassembling and demobilization, and their role also included monitoring and observing to ensure that parties respect the ceasefire.

On the other hand, some respondents said that South African troops did not do much in peacekeeping in Burundi, even though, they gained prominence under the UN. Besides, they were not well equipped to intervene and promote peace; they only monitored and reported the security situation. Government was scared of them in reporting its human rights abuses to the United Nations, which actions would have led to the imposition of sanctions and aid cuts.

Whether or not South African troops failed to intervene in preventing civilian killings owing to their mandate that did not include civilian protection or because of insufficient military equipments, it remains a challenge to the widely recognised post-Cold War norm of intervention for human protection and, therefore, a challenge to promote peace in the contemporary world.

4.4.4 Ensuring Lasting Peace in Burundi

While striving to convince the FNL to join the peace process power sharing should be well managed. Indeed given that the key driving force behind Burundi's civil conflict centres around power, there is need to ensure that effective and fair mechanisms (in the eyes of all the parties) of power sharing are put in place in order to build permanent peace in Burundi. Power sharing should, however, be a long-term initiative until Burundians have embraced a national identity i.e., see themselves as Burundians and not in terms of Hutu-Tutsi ethnic groups.

The role of international community should be paramount to ensure enduring peace in Burundi. They should ensure that alliances of the FNL with negative forces in Congo, such as, the Mai Mai and former Rwandan militias come to an end by cutting off supplies and resources of those supporting the FNL, and support initiatives aimed at convincing the FNL to start negotiations with government. Countries of the region should cooperate to promote regional peace because peace in Burundi depends on the prevailing regional environment. For example, consider how the war in Uganda influenced war in Rwanda, and how the war in Rwanda influenced the war in Congo, and also how the peace process in Burundi was influenced by what happened in Rwanda. It is through broader promotion of regional peace that pressure will be exerted on the FNL to join negotiations with government.

While it is, indeed, difficult to address the FNL issue without dealing with the broader regional instability, which is partly blamed on the FNL's alliance partners, such as, the former Rwandan militias who participated in the 1994 Rwandan genocide, it is in the interest of peace to treat the FNL as a party pursuing an agenda that demands attention and, therefore, grant them status of an equal party to the negotiations and not simply reducing them to a wasted force without any coherent political goals. This would increase chances for cooperation by the FNL, and thus raise prospects for reaching a negotiated settlement to the conflict.

The international community should also support Burundi's economic recovery and reconstruction in order to provide opportunities for the youth who could easily be convinced to join rebel activities as a means of survival. Because of the devastation to

the economy left by over a decade long civil war, unemployment especially in the youth is alarming and, thus, there is urgent international support to rebuild the economy as a measure to prevent the vulnerable youth from engaging in activities that could destabilise the country.

Promotion of good governance; a nationalistic government should be installed and not a government that promotes ethnicism, regionalism and interests of a clique of individuals, that is, a government that promotes the general welfare of people regardless of their ethnic and regional background. There should be an end to impunity by putting in place a justice system, which is fair in the eyes of all Burundians. A new Constitution that is agreed upon by all Burundians should be made as the current one was influenced by the Arusha peace process. The question of justice should be dealt with decisively; a Commission of Truth and Reconciliation should be set up in order for people to know what happened and forgive, short of that, Burundi will never have stability. The new Constitution should be made in such a way as to address the past imbalances and injustices, and should be a document that is reconciliatory in the eyes of all Burundians. It should provide the basis upon which mechanisms to promote justice should be established.

Education for peace; sensitize people to get rid of ethnicism and rather promote national identity- people should be seen as Burundians and not in terms of Tutsis or Hutus. This initiative would include extensive and nation-wide public information system designed to correct the past distortions in Burundi's ethnic group history, which partly share blame for ethnic antagonism in Burundi.

Not much was expected from SA peacekeepers regarding civilian protection as this did not fall under their mandate. However, since the UN had a Chapter VII mandate, intervention to protect civilians under imminent threat was expected of them, though, it was not done. For instance, third parties were expected to deploy in Bujumbura rural where FNL operates from but this was not the case. Even when their positions were attacked by the FNL, they did not fight back. Intervention was also expected to involve fighting negative forces in order to stabilize Burundi. Third parties were also expected to help stabilize the security situation and make it possible for elections to take place. Although, the latter was successfully done, the former has not been

realized because of the FNL factor. According to the respondents, third parties did not militarily intervene to protect civilians faced with imminent threat nor did they make any attempt to prevent attacks on them by deploying in operational areas of the rebels. Thus, while diplomatically/politically intervention by third parties was helpful in enabling negotiations between the main warring parties, which eventually achieved partial peace, military intervention to protect civilians was not given due attention.

Involvement of the public in the negotiations through civil society organizations was expected from third parties, which they did not do. By failing to involve the public in the negotiations, denied popular ownership of the peace process (the Arusha Agreement in particular), a resource which is essential in ensuring popular participation in the implementation of the Agreement and, consequently, promoting durable peace.

In addition, third parties were expected to help set up a fair justice system that would help to bring to justice those who killed with impunity. This has not been done and could force people to seek their own justice- revenge, thereby, undermining the prevailing peace. The significance attached to the issue of justice by Burundians clearly reveals that comprehensive peace in Burundi is far from being realised without bringing the perpetrators to face justice, or establishing a truth and reconciliation commission to deal with the past atrocities that were committed against the Burundians and, therefore, promote national reconciliation.

On the other hand, a respondent submitted that as government they expected nothing from interveners and that is why they had rejected their deployment although they were imposed on them. He argued that protecting former exile Hutu leaders undermined the army of Burundi, and by protecting individuals and not civilians who were being killed by rebels was unrealistic. Moreover, another respondent argued that very little was expected from third parties based on their dismal failures in the past peacekeeping operations, for example, in Katanga, Congo in the 1960's. This reveals the challenges encountered by third party intervention in sovereign countries and demonstrates the need to enforce intervention for civilian protection in situations where the country in question is unwilling to cooperate. This also challenges the object of protection in an intervention like that in Burundi; was it appropriate to offer

protection to individuals and not the public at large, or what number of civilian casualties or humanitarian catastrophe should attract military intervention by third parties?

4.5 Field Work Information: Perspectives of Field Experts Specializing on Conflict in the Great Lakes Region

4.5.1 Internationalisation of Burundi's civil conflict

The Burundi conflict is part of a sub-regional conflict, which is the inability in many decades of the majority Hutus and minority Tutsis living peacefully together without conflict. The problem is not limited to Burundi but also to Rwanda. After the 1994 Rwandan genocide large numbers of Rwandans, many of them guilty of genocide, fled into Eastern Congo, the ethnic conflict which is politically motivated moved into Eastern Congo and, therefore, Burundi, Rwanda and Uganda to a certain extent cannot stabilize if Eastern Congo is not stabilized. Thus, the possibility of resolving a conflict in one country without resolving it in the other cannot lead to enduring peace.

The Burundi conflict should not be looked at in isolation of what is happening in Uganda, Rwanda and Congo particularly in Eastern Congo but as one broader conflict system, in which, conflict of one country is integrated in terms of the other. The conflict should be looked at within the context of ethnicity, war economy and perspective of spoilers. In each of these cases, there are similarities between Burundi and other countries. For example, genocide in Rwanda resulted in fear among the Tutsis in Burundi, which influenced Pierre Buyoya by acting on the fear in terms of launching a military coup. Also ethnic solidarity (Hutu/Tutsi sentiment) that spreads across borders stands as a major challenge; Hutus that fled Burundi and Rwanda into Congo have joined other negative forces, such as, Mai Mai to spread the conflict. While there are various factors, such as the need to control mineral resources, which are responsible for conflict in the region, ethnic solidarity/extremism or sentiment ties the negative forces/belligerent parties together across borders to perpetuate conflict. For instance, the 2004 Gatumba massacres of Congolese Tutsi refugees are believed to have been carried out by FNL aided by former Rwandan Hutu militias who fled into Congo after the 1994 Rwandan genocide, an atrocity that raised tension in the

region, where Burundi and Rwanda threatened to intervene in Congo in pursuit of the negative forces.

Initially, the Burundi conflict attracted less international attention which led to conflict escalation. However, the country does suffer from resource scarcity in relation to Congo- there is little to fight over and thus stands a better chance of enjoying durable peace despite the fact that there are still problems with the FNL. Not only did the conflict escalate but it created catastrophic humanitarian conditions, which forced hundreds of thousands to flee into neighbouring countries. Thus, by its nature, the Burundi conflict created a situation, which threatened international peace and stability and, thereby, demanded international attention to address the conflict.

Large masses of the population fled into neighbouring countries, which undermined their development agenda; it created socio-economic consequences and humanitarian crises. In addition, the conflict created antagonistic relationship between Burundi and Tanzania, for example, the government of President Buyoya always felt that Tanzania was supporting Burundian rebels. This could have resulted into war between these countries. The apparent distrust between the two neighbouring countries reinforced by ethnic solidarity across borders undermined international/regional efforts designed to address Burundi's civil conflict, thereby, leading to prolonged negotiations for a peaceful solution to the conflict.

Destabilization of regional economic cooperation/trade; created unsafe transport routes, therefore, stifling importation and exportation of goods and services- leading to illegal trade. Inevitably, this adversely affected living conditions of the people and added to the humanitarian catastrophe caused by the armed conflict, consequently, leading to massive displacements and floods of refugees into neighbouring countries in search of survival.

Ethnic manipulation or mistreatment of a group creates a negative response to the other group; if one ethnic group in Burundi is badly treated it impacts on, and is likely to activate, people from the same ethnic group in neighbouring countries. If the Hutus in Burundi are suffering, those in Rwanda and Eastern Congo are going to get angry with the government that mistreats them, and this has been the practice. For instance, former Rwandan militias are receiving support from Hutus living in Eastern Congo

because they do not want a Tutsi dominated government in Kigali. In Eastern Congo there is an alliance of the Mai Mai with former Rwandan militias against Tutsis, which was reflected in the mistreatment of Banyamulenge (Congolese Tutsis) viewed as Tutsis who originated from Rwanda. In addition, close ties between Burundian rebels, FNL and FDD with former Rwandan militias and government soldiers was based on the fact that they were all fighting a common enemy, that is, the Tutsis. In fact, some viewed the Congo war, which erupted as a result of the killings perpetuated on Congolese Tutsis and attracted a number of countries from the region, to have had strong ethnic connotations. They argued that Rwanda, Burundi and Uganda rendered support to Congolese Tutsis because they were of himitic group while Zimbabwe, Namibia and Angola supported former President, Laurent Kabila based on a Bantu sentiment.

4.5.2 Dimensions of the Burundi civil conflict

Total absence of trust between the ethnic groups; the Tutsis in Burundi believed that the Hutus will exterminate them as Hutus in Rwanda did to the Tutsis. They believed there were enough genocidal leaders amongst Hutus to create genocide in Burundi and in defence they had to apply such repressive rules and laws since independence. However, another respondent said that the root cause of the Burundi civil conflict lies in the minority domination over the majority. Lack of trust between the ethnic groups is rather an effect and not a cause; a valid cause of the distrust could be traced beginning from the arrival of colonialists since it is documented that in pre-colonial Burundi, the ethnic groups lived in harmony under a monarchy system of administration.

One respondent uses Marxism to explain what lies at the root of Burundi's civil conflict: Land and resource scarcity- people mobilize against their neighbours by making use of ethnic identity. The political question resulted from land and resource scarcity, in the sense that, economic infrastructure determines the socio-political superstructure to the extent that ethnicity and so on are regarded as false consciousness. Political authority was very authoritative and so people would not access the political superstructure for redress. Complicated to that is Burundi's place in the international division of labour, whereby what was earned today from one acre

of coffee became less and less as the world prices fluctuated. You need more acres to survive, which you strive to achieve by exterminating your neighbours. If scarcity of land and resources lead to mobilisation of people against their neighbours by using ethnic identity as a tool, what then explains conflict in mineral and resource rich countries with huge chunks of land like DRC? The question in all the cases lies in how equitable resources of a country are managed and distributed across ethnic groups.

4.5.3 The Arusha peace and reconciliation agreement for Burundi and addressing the Burundi civil conflict

There was general consensus before last October 2005 elections among all Burundian parties and the government inclusive that a lot of issues had not been dealt with. Primary among these was the issue of the FNL. President Nkurunziza committed himself to negotiate with the FNL in an effort to achieve comprehensive peace. Other outstanding unresolved issues about the implementation of the Arusha peace accord include, dispute over the new Constitution that was unilaterally imposed on Burundians by the Regional Initiative for Burundi and SA when all Tutsi parties had rejected it. This is not conducive for enduring peace, “it is simply moving from violent to a non-violent conflict”; and there are lots of disputes that erupted between parties and the government after the elections about whether they had got the correct number of ministerial positions based on the number of votes they had polled. Given the fragility in the Burundian society (in terms of the ethnic question), it was important that the Constitution, which is the supreme law of the land be agreed upon by all ethnic groups. An unpopular Constitution in the eyes of one ethnic group does not promise enduring peace even if the FNL question is resolved. The questioning of power sharing after October 2005 elections is a reflection in the limitation of the new Burundian Constitution. By implication, this reveals that the key issue, power sharing, which is said to be the most important motivating factor behind Burundi’s civil conflict was not adequately resolved.

The question of the military; Tutsis still dominate the military-10 per cent of the population having a veto on the military apparatus causes unhappiness within the military ranks. Although, the 50/50 representation by Hutus and Tutsis in the army

does not match population representation of the groups, given that the Tutsis were by far dominating in the army it was a considerable concession made by the Tutsis, and provides balance in the most sensitive institution in Burundi, which has been since independence the guarantor of state/political power.

The forthcoming elections in the DRC; will there be a spill over violence? Some areas in Congo such as Ituli, Katanga and Kasai are likely to have a knock-on-effect. Indeed, given the integration of conflicts in the region, comprehensive peace in Burundi is based on stability in the DRC. Provided that the outcome of the elections in the DRC is disputed by former rebels, there is a likelihood that the conflict may erupt and, thereby, strengthen the alliance of the FNL with negative forces, such as, the Mai Mai and former Rwandan militias and soldiers in the DRC and, therefore, destabilise Burundi.

Arusha peace process can be called “a crisis of legitimacy” because there were only political parties and no military wing of the rebels. FRODEBU were the only politicians who claimed to represent CNDD-FDD and FNL, which was not the case. The Tutsis were uninterested in the Arusha process because every time negotiations were going on the war was continuing in Burundi. CNDD-FDD was excluded when former President Mwarimu Julius Nyerere was facilitator. Although, the FNL had wanted to participate in the negotiations, Mwarimu refused arguing that they had a representative and yet he had been ousted by the FNL. The CNDD-FDD was represented but had a coup against its leader, Nyangoma and Michel Ndayikengurukiye was made leader, but Mwarimu insisted to keep Nyangoma and conditioned them to participate through the leadership of Nyangoma. The result was that both armed movements had to stay outside the peace process. When Mandela had taken over the facilitation, he invited the rebel movements and informed the parties that in few months they would have to sign the peace agreement but the rebels rejected the proposal arguing that they had been outside the process for 3 years and in that regard, there was no way they could simply sign the peace agreement. Thus, Arusha was badly managed it should have been fully inclusive from the beginning. And that is why there was “stop-start process”- today there is peace and the next day there is not.

The Arusha process was not an attempt to attain a genuine consensus among all the Burundian parties and that is why some parties refused to sign the agreement while others did not attend at all. And so, there is no consensus amongst Burundians about anything. The absence of the FNL is undermining the success of the new government of Nkurunziza. Looking at what is happening around Bujumbura and Bubanza province, casts a dilemma on the part of funders; the FNL is still fighting at a very low capacity at the moment but their ability is much bigger than what is seen.

However, although, it is important to have a peace process which is as inclusive as possible by taking into consideration the needs and fears of respective communities or political players, you cannot have one or two groups or a minority or a small group derail a peace process. Negotiating players should keep the door open for non participating groups but not keep the peace process hostage to a couple of spoilers. What can be done is to create a situation that is inclusive as possible but at the same time, you cannot allow a group to spoil the peace process and attack you, in which case you have to attack the group. "It is in the interest of peace sometimes that war is declared". There are no likely repercussions since the FDD came on board afterwards. However, you cannot move the peace process forward unless the key players are involved, but there are other ways around it as well and that is to seek for an alternative adjudication. Often these organizations function as part of a personality of a leader and so you could approach other leaders and other constituencies to influence such a leader into joining the peace process.

The fact that the armed movements were excluded in the peace process, and that other parties refused to sign while others refused to attend the signing of the peace agreement, it is evident that the Arusha peace process failed to attain consensus in addressing Burundi's contentious issues. Although, the main rebel group, FDD joined the peace process later, by itself, does not guarantee enduring peace unless all Burundian parties, including the FNL participate in the peace process by revisiting key contentious issues in the Arusha peace agreement for Burundi, issues which could be a ground for launching future conflicts.

4.5.4 Ensuring lasting peace in Burundi

Truth and justice and the question of impunity; there is need for truth-telling and reconciliation in order for people to deal with the past- not to forget but to forgive. Since 1965 people have used violence against others up to the recent past. There is need especially to establish the truth of what transpired in 1993 when the first democratically elected Hutu President was assassinated, an event that escalated the Burundi civil conflict. The perpetual violence has often manifested itself in form of revenge killings on a group for the past violence committed on another group. Some form of reconciliation is required to appease the deep-seated anger harboured by some Burundians and, therefore, prevent eruption of future conflicts committed in the name of avenging what was suffered by a group.

Government should be inclusive as possible- it should involve the FNL in the governance system if at all enduring peace is to be possible. All parties should be encouraged to participate in the peace process. Indeed if enduring peace in Burundi is to be possible, all Burundian parties including the FNL need to be included in the governance of the country. Implying that Burundi needs a government of national unity that will work to cement differences and promote national unity. However, the government should be willing to extend greater concessions to the FNL as a means to convince the rebel group to join the peace process.

Total transformation of the military and police must be realized, and establishment of effective state institutions should be done. In this regard, there is a lot of international help needed. However, this cannot be realised in an overnight given that Burundi has experienced difficult times that have shattered state institutions or prevented effective state institutionalisation since independence.

There is need to look at the overall political system for two things:

- 1) The split in the armed forces and Parliament should be treated as a temporary measure to make the other party comfortable for a while and afterwards move to nation-building. This is because you could make the majority antagonistic- why should 10 per cent of the population occupy 40 per cent of positions in

Parliament. To the extent that this is regarded as a temporary measure while building an inclusive state structure is positive. That the Arusha Peace and Reconciliation Agreement for Burundi providing for this split is temporary, there is need to create a broader nation-building framework through which groups can see themselves as Burundians.

- 2) Because of the course of history of genocide political parties that are exclusive to one ethnic group should be banned as this is a recipe for future chaos. It is important for political parties to achieve a wider appeal.

Although, it is important to treat power sharing in the security apparatuses and parliament as a temporary measure, this period should be long enough to allow nation-building to take route first. It would be unrealistic to reverse this after a short while before reassuring the security of Tutsis considering that the Tutsis have since independence argued that their security lies in securing control of the military and the state apparatus. Certainly, embarking on nation-building would require to outlaw any activity, including parties that are exclusive to one group, which promote ethnicism at the expense of national unity.

We can briefly state that, Burundi's conflict is not per se caused by ethnic diversity, but it is because of political purposes that ethnic differences were exploited, thereby, making ethnic diversity an ingredient in generating conflict. The end of colonial rule in Burundi was followed by genocides and mass killings. Colonialism is responsible for divisive policies and unfair class stratification, which created ethnic antagonism among Burundian groups and, therefore, influencing violent conflict in post-colonial Burundi. The post-colonial conflict in Burundi was premised on the Tutsi-Hutu continuum. The Tutsi have been in power since independence, except from 1993-96, when three Hutu presidents ruled, but even then, they were deposed by the Tutsi who controlled the military, a situation which explains the confrontation between the politically disenfranchised Hutu majority and the ruling privileged Tutsi minority. The Hutu-Tutsi animosity came as a result of such factors as colonialism, modernisation, the traumatic experience in the Rwandan Hutu rebellion and repressive and discriminatory post-colonial policies. Ethnic solidarity (Hutu/Tutsi sentiment) that spreads across borders stands as a major challenge; Hutus who fled Burundi and Rwanda into Congo have joined other negative forces, such as, Mai Mai

to spread the conflict. While there are various factors, such as the need to control mineral resources, which are responsible for conflict in the region, ethnic solidarity/extremism or sentiment ties the negative forces/belligerent parties together across borders to perpetuate conflict. Although, the Arusha agreement provided a basis upon which key contentious issues, such as, power sharing and security institutions were 'addressed' through a quota system, it was only signed by some political parties and others refused to sign while others refused to attend the signing of the Agreement, and the rebel movements were excluded. Thus, the Arusha peace process failed to achieve consensus in addressing Burundi's contentious issues. The Agreement also produced a Constitution that was unilaterally imposed on Burundians by external parties, and yet it had been rejected by all Tutsi parties. The issue of power sharing, which is embedded in the Constitution, emerged after the 2005 elections as parties questioned the basis for cabinet appointments. This is not a good sign for enduring peace as it is a mere shift from violent to non-violent conflict. It is critical, in the next chapter, to inquire into efforts that were made to address this decade-long intractable civil conflict by examining South Africa's key role in the peace process.

CHAPTER FIVE: SOUTH AFRICA'S PEACE MISSION AND THE BURUNDI CIVIL CONFLICT

This chapter examines the diplomatic negotiation and mediation, and peacekeeping efforts of South Africa in helping to resolve the Burundi civil conflict. South Africa's motivation in intervention in Burundi's civil conflict is investigated within the context of its foreign policy on Africa and its national interests. The chapter also makes an assessment of SA's successes, and limitations encountered in its efforts to peacefully resolve the intractable conflict in Burundi.

5.1 South Africa's Peace Mission: Peacekeeping in Burundi

South Africa (SA) views peace missions as long-term endeavours, which include extensive investment in peace building, and not simply short-term initiatives. Peace building involves the "inculcation of respect for human rights and political pluralism; the accommodation of diversity; building the capacity of state and civil institutions; and promoting economic growth and equity". While these measures are the "most effective means of preventing crisis", they can as well serve as both pre-crisis and post-crisis incentives. In all cases, peace missions should be purposed to empower the people and should be tied to local practices and experiences, and not informed by foreign styles of conflict management and governance. Thus, preventive diplomacy, peace building and peacemaking are the fundamentals of SA's peace missions²⁷⁰.

SA's peace missions are informed by its recent history in negotiating a peaceful transition based on its own approach of "conflict resolution techniques and vision of meaningful and enduring development. This strong national interest and experience in the peaceful resolution of seemingly intractable conflicts compels it to participate in peace missions" with a view to help resolve related conflicts that are experienced by other peoples²⁷¹. The question worth pausing is, how does SA go about resolving the intractable conflict in Burundi in light of its national interests and experience in

²⁷⁰ Department of Foreign Affairs, 'White Paper on South African Participation in International Peace Mission', Department of Foreign Affairs, Pretoria, 1998, pp-26-27

²⁷¹ *Ibid.*, p.28

dealing with intractable conflicts? A response to this lies in investigating SA's foreign policy on Africa, and its diplomatic machinery aimed at addressing the Burundi civil conflict (including SA's engagement with other third parties involved in the Burundi peace process).

The defence White Paper, Defence in Democracy of May 1996 provides for specific deployment of South African National Defence Force (SANDF) units in support of peace missions. According to the document, SA as a responsible member of the international community commits to fulfil its responsibility to participate in international peace operations. The SANDF may participate in two types of peace operations: 1) peacekeeping, which refers to military operations without resort to the conflict designed to monitor and support the implementation of a peace agreement; and 2) Peace enforcement, which refers to the utilization or threat of force sanctioned by the international community, with an aim to compel compliance with resolutions or sanctions designed to maintain or restore peace and order²⁷².

According to the defence White Paper, SA military intervention in Burundi falls under peacekeeping. However, according to the mandate of the Burundi mission, SA troops were only to offer protection to the former exile politicians. Thus, this fell short of the obligations of the peacekeepers as stipulated in peacekeeping operation. Perhaps this could have been limited by the memorandum of understanding between SA and GoB, or lack of military capacity to undertake such a role since at the time of SA's deployment, serious fighting between rebels and government forces was on-going.

The document further provides a framework that will guide SA's participation in specific peace operations. These include:

- 1) Parliamentary approval and public support for involvement. This will demand an inquiry into the associated costs and risks, including the financial costs and risk to the military personnel;
- 2) The operation should have a clear mandate, mission and objectives;
- 3) There should be realistic exit strategy;

²⁷² 'The Defence White Paper', Pretoria, SA, May 1996, pp.18-19

- 4) The operation should be sanctioned by the United Nations Security Council;
- 5) and operations in Southern Africa should be authorized by SADC and should be multilaterally undertaken together with other SADC states. Similarly, operations in Africa should be authorized by the Organization of African Unity²⁷³.

Since the 1994 democratic elections, SA has been reluctant to participate in regional peacekeeping contrary to many expectations. However, by the late 1990s SA leaders recognized the need to participate more actively in Africa's conflict resolution. This was emphasized in the words of the former director in the Department of Foreign Affairs, Jackie Selebi: "we cannot talk of an African renaissance, or even achieve a better life for people in South Africa, if around us countries are in conflict, ... If Africa disintegrates, there will be no South Africa"²⁷⁴.

The Arusha Peace Accord for Burundi signed in August 2000, which was facilitated by former President Nelson Mandela, provides the foundation for South Africa's involvement in the Burundi peace process. This is seen by SA's deployment of its troops as a protection force for Burundian parties involved in the negotiations, and as a key component of the African Mission in Burundi (AMIB) that was composed also of contingents drawn from Ethiopia and Mozambique²⁷⁵.

South African troops are deployed in Burundi on a mission to help the country's peaceful transition to democracy. The mission coded the South African Protection Support Detachment (SAPSD), it is the country's largest, "most expensive and riskiest military mission since 1994. The troops' main task is to offer protection to former exile Hutu politicians who have returned to participate in the transitional government and parliament, but who have no trust in the Burundian army. The mandate of SAPSD does not include peacekeeping, the right and obligation to intervene in the civil war. According to the commanders, in the event of the Arusha Agreement failing or in case of an attack by any of the warring parties, the SAPSD

²⁷³ *Ibid.*, p.19

²⁷⁴ Ernest Harsch, 'Africa Builds its own Peace Forces', <http://www.un.org>, 2003, p.8

²⁷⁵ Kristina A. Bentley & Roger Southall, *op.cit.*, pp.1-2

will leave the country²⁷⁶. Thus, according to SAPSD's mandate SA troop deployment in Burundi fell short of humanitarian intervention for civilian protection; by exiting in case the Arusha agreement failed implies that civilians would be subjected to great risk as a result of eruption of new confrontation between the warring parties. Hence, a challenge to the global recognition (in the contemporary world) of the responsibility to protect civilians caught up in dire humanitarian circumstances. This would also outrightly challenge the ideals of the African renaissance and NEPAD, initiatives which are SA's brain-child, and which fundamentally aim at resolving Africa's problems and thereby promote economic development.

However the decision to deploy SA troops was unwelcome by the Tutsi hard-line parties²⁷⁷. They argued that troops were being sent "for the sole purpose of protecting genocidal 'terrorists'²⁷⁸. This was an aggression against the people of Burundi"²⁷⁹. Although the decision to deploy SA troops in Burundi had been made without a ceasefire in place, heavy weaponry was not provided for to defend the troops in case of an attack. Nigeria, Ghana and Senegal had promised to deploy their troops on condition that there was a ceasefire in place. According to Helmoed Rorner- Heitman, an analyst and writer for Jane's Defence weekly, SA's decision pointed to a solution that was "quickly cobbled together" and "those are the ones that go wrong"²⁸⁰. The refusal by some parties to deploy external forces raises a big challenge to humanitarian intervention for civilian protection (a classical example being Sudanese government refusal to allow the deployment of U.N. peacekeepers in Darfur). Thus, given that this was the situation faced by SA troop deployment, and the fact that there was no ceasefire in place, the mission was more like peace enforcement and which, therefore, required thorough preparation in terms of military resources.

²⁷⁶ Gregory Mthembu- Salter, 'Risky Business in Burundi', in Mail & Guardian, March 8-14, 2002

²⁷⁷ Tutsi hard-line parties are those parties whose ideological thinking draws from extremism to the extent that compromise, as a means of addressing the animosity between Hutus and Tutsis, was unwelcome

²⁷⁸ Hutu exile leaders that were protected by SA troops were largely believed to have orchestrated the mass killings of Tutsis immediately after the assassination of President Ndadaye in 1993.

²⁷⁹ Julia Crawford and Peter Fabricius, 'Rise up against SA Force, Burundians argued: Even Mandela discouraged by Attitude of Hardliners', in The Star, October 24, 2001

²⁸⁰ Bonile Ngqiyaza, 'How to Keep the Peace in Burundi', in Business Day, October 25, 2001

The deployment of SA's first troops in the latter part of October enabled the installation of the transitional government of Burundi on November 1, 2001 as was scheduled. The contingent was mandated to guard about 150 Burundian politicians, who had returned from exile to participate in the country's power-sharing transitional government. According to the chief of the SANDF, General Siphwe Nyanda, SA troops would remain in Burundi until that time when the transitional government felt secure and a new Burundian multi-ethnic army was installed. However, the decision to deploy SA's troops to Burundi was made without the approval of Parliament, thereby, subjecting the opposition to question the international mandate of the mission. In accordance to the White Paper on South African participation in international peace missions, the SANDF was not an international peacekeeping force operating under the auspices of the U.N., but simply a South African "protection force"²⁸¹. We could argue that SANDF deployment enabled the establishment of the transitional government in Burundi, and internal negotiations between the former exile leaders and the government of Burundi without which the peace process would have stalled. However, while SA troops played a key role in guaranteeing the security of former exile leaders, their limited mandate fell short of providing the urgently needed humanitarian assistance in form of civilian protection. This meant that the status of civilian security was left to be determined by what would transpire in the diplomatic/political negotiations that were on-going. This poses a challenge to intervention for human protection in the contemporary era; should civilian protection be left at the mercy of diplomatic/political outcomes? Or rather, you need to ensure civilian protection first while you seek for a diplomatic/political solution to the conflict.

The second deployment was authorized under the auspices of the African Union (AU). According to the AU, the mission was mandated, among other things, to monitor the ceasefire agreement, secure assembly and disarmament areas, and ensure protection of parties to designated areas. While the African Mission in Burundi (AMIB) was authorized and deployed under the aegis of AU, SA played a major role in drafting the mandate and had to bear the task of ensuring its successful

²⁸¹ Theo Neethling, 'Deployment of SANDF to Burundi', in *Conflict Trends*, vol.4, 2001, pp.47-50; Hannes de Wet, 'RSA Minister Praises Troops Deployed in Burundi to Protect Returning Leaders', <http://www.sapa.org.za>, November 29, 2001

implementation. Thus, SA provided the force commander and was designated as lead nation for the mission²⁸². This signifies that both SA and AMIB's mandates were to guarantee a partial ceasefire or simply provide partial peace since one of the key conflicting parties, FNL was not a signatory to the ceasefire accord and neither was it a party to the Arusha Peace and Reconciliation Agreement for Burundi. Also, since the mandate of the peacekeepers did not include protection of the civilian population afflicted by FNL's atrocities, durable peace was far from being realized.

Given increasing violations of the ceasefire by signatory parties and the fact that the Forces for National Liberation (FNL) have not joined the peace process, AMIB has inadequate military resources to contain the situation. This is likely to undermine the efforts of AMIB in observing, monitoring and verifying the implementation of the partial ceasefire. Past experience has revealed that "without firm consent from all parties", fighting will continue and peacekeeping troops might be "part of the problem, rather than the solution". In a statement, the Forces for the Defence of Democracy (FDD), one of the signatory to the ceasefire, noted that since they were not consulted during the process of constituting the African Mission, not only would they not recognize their presence, but the African forces would be seen as enemies of peace in Burundi²⁸³.

I am inclined to argue that since, in the first place, the FNL was a non-party to the ceasefire agreement and up to date not a party to the Burundi peace process, and the fact that the FDD, which was then the largest rebel group was not consulted in constituting the African Mission, it was tantamount to saying that the mission was a peace enforcement and not a peacekeeping mission. Suggesting that the force had to be adequately equipped, if at all, it was to fulfil its mandate. This unveils the challenges encountered by third party intervention in civil conflicts, where obtaining consent from conflicting parties is problematic.

The official opposition, the Democratic Alliance (DA) was critical of the exorbitant cost the deployment of AMIB was to cost the South African taxpayers. Although the

²⁸² Vanessa Kent and Mark Malan, op.cit, pp.4-5

²⁸³ Vanessa Kent and Mark Malan, op.cit, p.5; Kristina A. Bentley & Roger Southall, op.cit, p.94

European Union and other independent states had committed to fund the peacekeeping mission, they argued that South Africa required more than foreign assistance to sustain the deployment of its troops for a lengthy period. They further revealed that SANDF had not planned for an exit strategy, and argued that the government had overestimated the capacity of the SANDF given that the force had “obsolete equipment at home”²⁸⁴. Although to a great extent concerns raised above are valid owing to the large amount of resources, in terms of financial and military, required for an effective peacekeeping mission, the fact that SA was willing to commit its troops towards the peace mission before the signing of the ceasefire by the Burundian warring parties, by itself, was an important import in efforts aimed to promote peace in an intractable conflict. According to SA’s Deputy foreign affairs minister, Aziz Pahad, provided that the “current success of the mission and peace process” was sustainable, then SA’s decision to deploy before the signing of a ceasefire could set a precedence from which incidences such as the Rwandan genocide can be prevented by enabling much quicker responses in the UN system²⁸⁵.

South African troops had to go beyond their mandate by providing facilities and medication for the former fighters in cantonment areas. The stretch was caused by delays in funding from donors, which prevented Ethiopian and Mozambican troops to arrive in time. Effective implementation of the ceasefire agreement depended on the availability of adequate facilities and arrangements to support the former rebels in cantonment areas. Disarmament, demobilisation, and reintegration which began with cantonment of former rebels under SA protection were a key part of the peace process²⁸⁶. This raises the importance of financial and military resources in meeting the challenges of peacekeeping in Africa. SA’s promptness in meeting requirements for the cantonment of former rebels, not only, helped to strengthen the peace process by subsequently enabling disarmament but was crucial in speeding it up.

However, the image of SA’s peacekeepers in Burundi has been dented by ill-discipline of both senior officers and lower ranking soldiers in SANDF. This has

²⁸⁴ Jameson Maluleke, ‘SA Troops in Burundi Cost Tax Payers’, in The Citizen, December 8, 2003

²⁸⁵ Marco Granelli, ‘SA Troops Break New Ground in Burundi’, in Pretoria News, February 14, 2002

²⁸⁶ Jonathan Katzenellenbogen, ‘Foot-Dragging puts Strain on SA’s Troops in Burundi’, in Business Day, August 28, 2003; Neil Greig, ‘SA Troops Make Progress in Burundi’, in Mail & Guardian, July 17, 2003

resulted into shooting of some peacekeepers by their colleagues over arguments, and drunkenness by a number of peacekeepers²⁸⁷. Such behaviour could hamper efforts designed to promote peace in a conflict situation by creating resentment in the nationals of the host country, who could resort to actions of sabotage against peacekeeping activities and conceal information crucial to promotion of effective peacekeeping. This, as well, could spoil the image of the country the peacekeeping force is representing.

SA peacekeepers in Burundi will not intervene to stop rebel attacks on Bujumbura, the capital of Burundi that has left more than 200 civilians dead and forcing thousands to flee from their homes after a week-long rebel offensive. SA troops have been deployed in Bujumbura since 2001 with a mission to protect former exile leaders, and have begun to oversee the disarmament of the ex-combatants as part of an African peacekeeping force since an unhonoured ceasefire signed in December 2002. An SA government official was quoted saying, “we are not looking to change the mandate for the SA force at all. We think it is the task of the Burundi army to protect the civilians”²⁸⁸. While the cardinal responsibility of protecting civilians rests on the host government, within the broader framework of intervention for human protection, third parties (in this case South Africa) have got a responsibility to protect civilians under imminent threat, that is, in cases where such a government is unable or is itself acting as the perpetrator. However, this would require sufficient military resources in order to be effective.

The level of preparedness by the South African forces deployed in November 2001 to provide security for the transitional government was raised as a concern by the Burundians. However, this was dismissed by an analyst on Burundian affairs, Jan Van Eck by arguing that the force was not a “peacekeeping mission but rather a protection mission”. Van Eck further submitted that the SA contingent was in Burundi in order to “protect individuals and not to get involved in the conflict”, and that if a ceasefire agreement was not reached, there was an exit plan for the force. The South African government would then have to decide if it wanted to get involved militarily, a move

²⁸⁷ See: Carol Hills, ‘SA Burundi Troops Shoot Each Other’, in The Citizen, February 22, 2002; Jameson Maluleke, ‘SA Troops are Drunken and Ill-Disciplined’, in The Citizen, November 20, 2004

²⁸⁸ SAPA-AFP, ‘SA Troops Will Not Fight Burundi Rebels’, in Business Day, July 15, 2003.

which would require enforcement troops and a new mandate²⁸⁹. Although SA forces were only mandated to protect individual politicians from exile, the volatility of the situation at the time of their deployment demanded a given level of preparedness, i.e., sufficient military resources capable of repulsing any attack on the politicians whose security they were charged, and most importantly to dispense their discretionally duty of protecting civilians under serious threat.

Several strategic interests motivated SA's deployment to Burundi. These interests include, "investments" that had been made by former South African President Nelson Mandela, who helped Burundian parties reach a power sharing agreement; and by Deputy President Jacob Zuma, who was the chief facilitator of the Burundi peace process. Furthermore, as chair of the AU, President Mbeki had played a leading role in the decision to deploy the AU-led mission to Burundi. Thus, the need to remain engaged and committed by providing facilitation to the Burundi mission resulted in a decision to deploy the SANDF to the AU-led mission²⁹⁰. Perhaps, also SA's motivation to intervene in Burundi falls within the broader framework of NEPAD, that is, the need to promote peace, security, democracy, good governance, human rights, e.t.c., conditions that are essential for sustainable development²⁹¹.

South Africa's increased deployment to Burundi tasted the degree at which the country was able to confront an ongoing crisis. The political and military risks were enormous, and the need to project a credible ground force was crucial. However, according to the mandate of the mission, peacekeepers are only there to "create a space" from which peace-building can be premised. Therefore, "unless the mission is able to identify the sources of the conflict, the prospect of negotiating and implementing a sustainable peace is next to impossible"²⁹². According to this perspective, SA played a minimal role in peacekeeping especially regarding military operations. The fact that the Arusha negotiations that were facilitated by SA did not lead to successful implementation of sustainable peace (especially before the CNDD-FDD joined the peace process in subsequent peace deals, and the failure to involve the

²⁸⁹ Integrated Regional Information Networks, *op.cit.*, p.1

²⁹⁰ Vanessa Kent and Malan, *op.cit.*, p.4

²⁹¹ The New Partnership for Africa's Development, Abuja, Nigeria, October 2001

²⁹² Vanessa Kent and Malan, *op.cit.*, p.10

FNL in the negotiations) was indicative of incorrect diagnosis of the root causes of Burundi's civil conflict.

A 3,000 strong African Union force comprised mainly of SA troops, struggled to maintain peace during the transfer of the transitional government presidency from Pierre Buyoya, a Tutsi military leader to Ndayizeye Domitien, a Hutu leader of the Front for the Democratic Forces of Burundi, who had been the vice-President. The peace initiative, which was led by SA's former President Nelson Mandela and former deputy President Jacob Zuma, allowed for an 18-month term of office for Buyoya subsequently followed by an equal term for Ndayizeye. The force was unable to prevent the fighting that was launched by the main rebel group, FDD on Burundi's capital, Bujumbura in opposition to Ndayizeye's "puppet" leadership. The FDD believed that the settlement would by no means lead to majority Hutu rule, in which they argued that the regime was bent on "perpetuating Tutsi dominance" in a country where the Tutsi comprised only 14% of the population²⁹³. This stresses the need to deploy a sufficiently equipped force in terms of numbers and military hardware to deal more effectively with the complex nature of Africa's contemporary civil conflicts. This would, however, demand more proactive or flexible mandates that are designed to suit contemporary international environment in which humanitarian intervention for civilian protection has been widely recognised.

SA General, Derrick Ngwebi was appointed force commander for the UN operation in Burundi, replacing the African Union Mission in Burundi, of which he had also been the military head. UNOB was to operate under a Chapter VII mandate and was tasked with the objectives, which included disarmament, demobilisation and reintegration (DDR), electoral assistance, which was due to take place in October 2004, and facilitation of the voluntary return of refugees and internally displaced persons²⁹⁴. It is certain that the role of SA peacekeepers under UNOB was significant since the head of the peacekeeping force was South African and the fact that SA had the largest military contingent in Burundi.

²⁹³ Raymond Louw, 'SA's Peacekeeping Forces Under Threat', in Southern Africa Report, vol.21, no.20, 16 May 2003, p.8&12

²⁹⁴ Leon Engelbrecht, 'RSA Officer Appointed To Take Charge of UN's Burundi Peacekeeping Mission', <http://www.sapa.org.za>, June 4, 2004

Rehatting of the African peacekeeping mission into a UN peacekeeping mission owing to lack of capacity to stop serious fighting²⁹⁵ between the rebels and the government forces is an indication that Africa's ability to deal with complex peacekeeping operations is still wanting and thus stresses the need for supplementary effort by the international community/UN. However, this leaves emergency cases, which require urgent and immediate attention in a vulnerable position since action by the UN is determined by Security Council members whose 'national interests' motivate them into action. This means that as long as a given conflict situation does not meet the national interests of a member(s) of the Security Council, action by the UN will be paralyzed and hence, subject the lives of civilians into acute danger. The 1994 Rwandan genocide, and the current conflict in Darfur, where hundreds of thousands of people have been killed epitomizes the above argument.

SA Defence Minister, Mosiua Lekota, argues that in order for peacekeeping missions to register success, weaponry used in conflicts must be destroyed. It is in line with this that SA was keenly involved in collecting arms from the demobilised combatants for eventual destruction²⁹⁶. In addition, this activity contributed to the prospects for achieving enduring peace in Burundi by ensuring the disarmament of warring parties. However, realising long-term stability requires reinforcement of diplomatic activity aimed to address the political aspects motivating the conflict or else the conflict may re-erupt

5.2 SA Foreign Policy on Africa and National Interests vis à vis Intervention in Burundi Civil Conflict

The extent of SA's contribution to any given peace mission depends on how closely the mission relates to the country's national interests²⁹⁷. As a responsible member of the international community, SA is prepared to actively participate in peace missions and in humanitarian intervention, where it is feasible and mandated to do so. Such participation will not only aim to achieve international and regional peace and security, but will also strive to protect and promote the country's national interests.

²⁹⁵ Raymond Louw, *op.cit.*, p.8&12

²⁹⁶ SAPA, 'RSA's Lekota: Peacekeeping Must Include Destroying Weaponry Used in Conflicts', <http://www.sapa.org.za>, November 26, 2003

²⁹⁷ White Paper on SA Peace Missions, *op.cit.*, p.1

South African foreign policy places Africa high on its future engagements. SA has “an obvious interest” in ensuring regional peace and stability, which is to create an environment within which trade and development will thrive, and prevent devastating effects by conflicts in the neighbourhood²⁹⁸. Perhaps, based on this argument, SA’s intervention in Burundi’s civil conflict was partly motivated by the need to promote peace and stability in the Great Lakes region by using Burundi as a conduit and thereby create an environment conducive for trade and investment.

South Africa has a major stake in helping to resolve the Burundi conflict. Though, this is “not simply humanitarian”, it is “most certainly that too”²⁹⁹. However, this is informed by the need for South Africa to pursue the moral and material interests of its people by engaging in the search for peace throughout the entire continent. It is also based on a recognition that “democracy and development in South Africa are both inextricably linked to progress towards those goals throughout Africa as a whole”³⁰⁰.

Moreover, South Africa’s policies are based on fundamental assumptions of NEPAD: that Africa is one and thereby responsible for its future; attainment of peace is crucial for economic development; alleviating suffering and constructing pillars of improving living conditions of all Africans. Thus, South Africa pursues peace in Burundi within a broader context of constructing peace in Central Africa³⁰¹.

Apparently, not only does South Africa’s national interests pursued in the search for peace in Burundi, but also broader continental objectives aimed at promoting stability and development in Africa. Therefore, by inquiring into SA’s national interests and foreign policy on Africa, helps to locate SA’s motivation in addressing the Burundi civil conflict.

²⁹⁸ *Ibid.*, pp.28-30

²⁹⁹ Kristina A. Bentley & Roger Southall, *op.cit.*, p.2

³⁰⁰ *Ibid.*, pp.2-3

³⁰¹ *Ibid.*, p.3

SA's foreign policy has in the past been largely, and will continue to be, shaped by domestic economic imperatives. The drive for key investment and trade opportunities new and old and new markets remains crucial in SA's foreign policy goals³⁰². SA's exports to Africa are currently the largest destination for value-added products, accounting for nearly 30 per cent of total processed exports³⁰³. We can therefore argue that, perhaps, SA's intervention in Burundi was partly motivated not by substantive investment and trade opportunities owing to the poverty level of the country, but a desire to create market access for its industries, e.g., supplies to government.

South African foreign policy is ground in the belief that "just and lasting solutions to the problems of human kind can only come through the promotion of democracy"³⁰⁴. The democratic nature of SA's foreign policy is informed by the country's transition from apartheid³⁰⁵. According to Mandela, SA's foreign policy is informed by the belief in the following: 1) that human rights concerns are fundamental to international relations and that they extend beyond the political, including the economic, social and environmental issues; 2) that "just and lasting solutions to the problems of humankind" can only be found in entrenchment of democracy in all nations of the world; 3) that relations between nations should be guided by values of justice and respect for international law; 4) that all nations should strive for peace, and where it is compromised, internationally sanctioned and peaceful means, including arms-control regimes, must guide international action; 5) that foreign policy choices should reflect "concerns and interests" of the African continent; and 6) that economic development is based on the promotion of both regional and internal economic cooperation in a globalised world³⁰⁶.

Human rights is the "light" that guides SA's foreign affairs. "Only true democracy can guarantee rights". SA will therefore play a key role in the global efforts aimed at promoting and fostering democratic systems of government. This is crucial in Africa,

³⁰² Jack Spence, 'Introduction', in Jim Broderick et al(eds.), *South Africa's Foreign Policy: Dilemmas of a New Democracy*, PALGRAVE, New York, 2001, p.6

³⁰³ Mfundo Nkuhlu, 'South Africa's Trade Policy', 1997, p.9

³⁰⁴ ANC, 'Developing a Strategic Perspective on South African Foreign Policy', 1994, p.2

³⁰⁵ Department of Foreign Affairs, 'Foreign Affairs Parliamentary Media Briefing: South Africa's New Place in the World', 1997, p.2

³⁰⁶ Nelson Mandela, 'South Africa's Future Foreign Policy', in *Foreign Affairs*, vol.72, no.5, Nov/Dec 1993, pp.86-97

in which this goal shall be realized by “securing a spirit of tolerance and the ethos of governance throughout the continent”³⁰⁷. SA’s central foreign policy goal aims at promoting institutions and forces that through democratic means seek to create a better world for all³⁰⁸.

Kane-Berman looks at SA’s foreign policy under Mandela’s presidency to have emphasized the promotion of international justice, international morality and human rights. These ideals and goals were the guiding principles of the liberation struggle, and they were institutionalized in the post-apartheid political system in South Africa³⁰⁹. According to Evans, this was to be the “moral reference point” of SA’s readmission into the community of nations and the basic principle upon which foreign policy decisions were to be made and implemented. However, Evans argues that a commitment to human rights or ethical principles as the corner stone of policy implies the willingness to intervene in order to prevent or deal with human suffering³¹⁰. Perhaps it was based on the commitment to promote human rights that SA was willing to deploy in Burundi even before the signing of the ceasefire by the warring parties, a condition that had hindered the deployment of UN peacekeepers.

Representation of developing countries has emerged as the central motivation of democratic South Africa’s foreign policy engagements both at the global and continental level. SA’s model of a negotiated settlement is seen as a framework that could inform Africa’s democratization process and the basis for SA’s relations with the rest of the continent. The idea of conflict resolution and prevention of war through the theory of “democratic peace” is inextricably linked to the idea of promoting peace and effective negotiations in conflict-prone Africa through the “dispensation of a liberal democratic tradition. What has become central to “the democracy through peace deal” model is the import of SA’s own style of a negotiated settlement into peace processes that it seeks to establish in the conflict-ridden societies³¹¹. SA should,

³⁰⁷ *Ibid.*, p.88

³⁰⁸ *Ibid.*, p.89

³⁰⁹ John Kane-Berman, ‘Ideology and Foreign Policy’, in *Fast Facts*, no.7, July 2005, p.2

³¹⁰ Graham Evans, ‘Nelson Mandela’s Farewell Address: The End of the Rainbow’, in *The World Today*, January 1999, pp.10-12

³¹¹ Sanusha Naidu, ‘South Africa and Africa: Mixed Messages?’, in Elizabeth Sidiropoulos (ed.), *Apartheid Past, Renaissance Future: South Africa’s Foreign Policy 1994-2004*, The South African Institute of International Affairs (SAIIA), Johannesburg, 2004 pp.208-209

however, avoid the temptation of applying the whole package of its conflict resolution approach to conflict situations in other countries. This argument is premised on the fact that society's historical experiences, culture, language, governance system, etc, shape and determine the application of a given approach of conflict resolution. For example, treating the White-Black issue in apartheid SA as the Hutu-Tutsi issue in Burundi and thereby apply wholly a similar conflict resolution approach, will not be feasible.

Policy documents reveal that "if we do not devote our energies to this continent, we too could fall victim to the forces that have brought ruin to its various parts"³¹²; that the "fate of democratic South Africa is inextricably bound up with what happens in the rest of the continent and our foreign policy should reflect the interests of the continent of Africa"³¹³. This could be the driving force behind SA's motivation to intervene in Burundi, a country that is without any material resources and seemingly without any strategic interests to benefit SA, factors that are very often the driving force that attract countries' interventionist policies.

However, the opposing school of thought argues that South Africa is motivated by hegemonic ambitions. It has been instrumental in designing a continent-wide vision in the form of the African renaissance and NEPAD; and it has been a key proponent of institutional capacity building, especially through the AU. Furthermore, it has on certain occasions exerted its political will, for instance, in Lesotho, where it militarily intervened, a move that could escalate into regional instability³¹⁴. Whether or not SA is motivated by hegemonic ambitions is not the salient issue to consider especially when the African continent is devastated by conflicts and ruined by acute underdevelopment. Thus, the issue should be rather, whether SA's African policies are pursued or implemented in contradiction to the ideals of the African renaissance and NEPAD.

³¹² ANC, 'Foreign Policy in a New Democratic South Africa', A Discussion Paper, Department of International Affairs, Johannesburg, October 1993

³¹³ Mbeki T, 'Foreign Policy in a New Democratic South Africa', in International Perspectives, South African Institute of International Affairs, Johannesburg, 1994, p.1

³¹⁴ Sanusha Naidu, op.cit, p.27

Moreover, the other school of thought departs from the arguments raised above, by holding that South Africa's role in multilateral forums like World Trade Organisation, the G-8, the Bretons Wood institutions (such as, the World Bank and the International Monetary Fund) and even in continental initiatives like NEPAD is driven by "sub-imperial" ambitions. It is argued that South African authorities engage in negotiations in pursuit of their country's "national agenda" and in order to create market access for their corporates into Africa and the developed economies, with less consideration for their neighbours and the continent at large³¹⁵. Indeed every nation pursues a given agenda in dealing with other nations, however, the issue is whether or not such policies are exploitative. For instance, by arguing that SA intervention in Burundi was motivated by creating market access for their corporates can be contested given that Burundi is not endowed with mineral or material resources and moreover, it has a very poor and small population of less than 7 million, which cannot meet such an aspiration.

South Africa's foreign policy is not based on a single doctrine, but on a set of clear strategic goals that view foreign policy, among other things, as an extension of domestic policy, and a means to search for solutions to domestic, regional and global problems³¹⁶. Moreover, the desire to share South African experience with fragmented societies elsewhere is at the root of South Africa's foreign policy. This is grounded in the principle that "foreign policies of all states invariably, in whatever muted a form, reflect the values that inform their domestic societies"³¹⁷. One of the key foreign policy challenges that post-apartheid SA encountered was the extent to which the extension of democracy and protection of human rights around the world were to inform the new South Africa's foreign policy. Secondly, Pretoria had to face high expectations from friendly countries that had supported it during the fight against apartheid. Pretoria has shown that its approach is not as simple as choosing whether or not its foreign relations should be designed to favour those who supported the anti-apartheid struggle or those in possession of Euros and US dollars. It is about making choices informed by similar and shared norms and values, for instance, adherence to

³¹⁵ *Ibid.*, p.218

³¹⁶ Anonymous, 'South Africa's Foreign policy: Come, Let's be Friends', *The Economist*, 10 May 2003, pp.53-54

³¹⁷ J.E. Spance, 'The New South African Foreign Policy: Incentives and Constraints', in F.H Toase and E.J. Yorke(eds.), *The New South Africa: Prospects for Domestic and International Security*, ST. Martin's Press, Inco., New York, 1998, p.159

multilateralism in search for solutions to global and regional issues and more significantly, those that serve to promote national interests³¹⁸. It is against this backdrop that SA intervened in Burundi; it was undoubtedly within SA's national interests to be part of Burundi's peace process as commitment towards helping the implementation of the hard-won peace deal that former president Nelson Mandela had helped to broker.

The guiding principle for South African foreign policy during the reign of Mandela was the promotion of human rights, democracy, justice and international law, international peace, Africa in the world, and economic development through regional and international cooperation. Although the guiding principle was clear, strategies, goals, objectives and plans were not. However, Pretoria's Africa policy, which gained prominence in the country's foreign policy, was extensively clear. Its expressed aim was to provide for an environment that would promote the ideals of the African Renaissance, based on the belief that problems and challenges confronting the sub-region demand a concerted effort by all countries of the South³¹⁹. According to Nzo, the main thrust of foreign policy during Mandela's presidency was:³²⁰

The promotion and attainment of a state of peace and prosperity for our own citizens as well as the citizens of our region, continent and planet ... This is derived from the fundamental belief that there can be no prosperity without peace, but also no peace without prosperity, both within countries and between countries, as well as between the developed and developing worlds.

In late 1996, Mbeki started to play a significant role in crafting of South Africa's foreign policy. Since then, South Africa's African policy has "coalesced around the notion of an African Renaissance"³²¹. In 1997, the office of South Africa's Deputy President released a document entitled, 'The African Renaissance: A workable Dream'. The document suggested five areas through which South Africa would

³¹⁸ Kusein Dlamini, 'South Africa's Foreign Policy since 1994', in South Africa Yearbook of International Affairs, 2003/04, pp.2-3

³¹⁹ Ibid., p.3

³²⁰ Alfred Nzo, 'Foreign Minister's Address', SAIIA, University of the Witwatersrand, Johannesburg, August 1995

³²¹ Peter Vale and Sipho Maseko, 'South Africa and the African Renaissance', International Affairs, vol. 74, no.2, 1998, p.273

engage with the African continent. These include promotion of cultural exchange; liberating the African woman from ‘patriarchy’; youth mobilization; extending, entrenching and preserving democracy; and promotion of sustainable economic development³²². Ever since those pronouncements, Mbeki has advocated for South Africa’s lead in confronting Africa’s problems guided by the renaissance vision. Thus, it can be deduced that the notion of renaissance fundamentally strives to maximize “South Africa’s strategic options on the continent”³²³. In line with this thinking, Vale and Maseko state that the African Renaissance championed by Mbeki reflects a global approach designed to address Africa’s problems³²⁴.

At his inauguration in 1999, President Mbeki pointed out clearly that Africa would be one of the key priority areas of his administration. Mbeki argued that regardless of the challenges that Africa is facing, it will be at peace and that in spite of the negative shadow cast by sceptics, Africa will prosper³²⁵. Mandela’s pragmatic policy of “South Africa first” paved way for a new ideology under Mbeki that put Africa at the forefront of foreign policy. South Africa’s Africa relations “became by and large a multilateral exercise subjected to a Pan African Veto, while the rest of external relations were seen through a prism of Afro centrism and third worldism”³²⁶. South African national interests were “defined by Afro centrism, a missionary commitment to improve the plight of the poor of the world, benevolent altruism ...”³²⁷. It is within this thinking that SA under Mbeki’s presidency launched the most significant peace intervention since attaining democracy- in the Burundi peace process, which precedes other peace interventions in Africa’s conflict-ridden countries, such as, Sierra Leone, Ivory Coast, Sudan, etc.

According to the foreign affairs Minister Nkosazana Dlamini-Zuma, “South Africa has both a responsibility and an obligation to contribute to the continent’s renewal in

³²² *Ibid.*, p.274

³²³ Ian Taylor and Paul Williams, ‘South African Foreign Policy and the Great Lakes Crisis: African Renaissance Meets Vagabondage Politique’, in *African Affairs*, vol. 100, no.399, April 2001, pp.265-286

³²⁴ Peter Vale and Sipho Maseko, *op.cit.*, pp.278-279

³²⁵ Thabo Mbeki, ‘Presidential Inauguration Speech’, 16 June 1999

³²⁶ John Kane-Berman, *op.cit.*, pp.2-3

³²⁷ *Ibid.*, p.3

building a peaceful and prosperous continent”³²⁸. This commitment falls within the broader framework of the African renaissance and NEPAD, initiatives whose chief architect is SA. And they entail promoting efforts designed to address the continent’s woes both in terms of violent conflict and development-related hardships and thereby, route the continent on the right path to development.

The African National Congress (ANC) argues that their involvement in conflict resolution on the continent is motivated by the need to create a peaceful and democratic continent within which SA’s model of democracy can be promoted. SA also believes that experiencing growth and development as a country within a continent that is characterized by poverty and underdevelopment, will only exacerbate the problems of illegal migration into the country, drug trafficking and many other related problems. It is against this backdrop that SA has to ensure that it is massively involved in the reconstruction, economic growth and development of the continent³²⁹.

South Africa views the devastating wars waged on the African continent as “anathema” to the ideals of an African Renaissance. Realizing that there can be no liberation of the African people from socio-economic malaise in the face of conflicts, the South African government has prioritized the resolution of these conflicts as one of the key foreign policy goals. South Africa’s Ambassador to the United Nations noted that, “South Africa believes that in the Southern African context as also further afield, the fundamental objective of our regional policy should be preventive diplomacy, peacemaking and humanitarian assistance”³³⁰.

In emphasis of that, the Minister of Foreign Affairs, Dr Nkosazana Dlamini-Zuma stated that:³³¹

The regional conflicts wreaking havoc across the continent cast a dark shadow over the prospects of success of the vision of the African renaissance

³²⁸ Nkosazana Dlamini-Zuma, ‘Speech given at South Africa House’, London, 23 October 2003.

³²⁹ ANC, ‘Developing a Strategic Perspective on South African Foreign Policy’, <http://www.anc.org.za>, 22 Dec. 2004

³³⁰ Anonymous, ‘World Questions new South Africa’s role in Angolan Conflict’, in *Business Day*, 22 Nov. 1994

³³¹ Nkosazana Dlamini-Zuma, ‘Address by the Honourable Minister of Foreign Affairs during he Foreign Affairs Budget Vote to the National Assembly’, Cape Town, 14 March 2000, p.3

... It is wrong to think that all conflicts should be resolved through the barrel of the gun. Political solutions should be explored at all times.

Indeed, the interconnectedness of conflicts in regions is a big challenge to the realisation of the vision of the African renaissance. For instance, the conflict in Burundi is linked to DRC, Tanzania and Rwanda and thus, it is difficult to attain peace in Burundi in isolation of regional forces influencing conflict in Burundi.

Although, it is true that all conflicts cannot be addressed militarily and that political solutions should be attempted in every conflict situation, but what should be done to a warring party who consistently rejects concessions and compromises made in order to resolve conflict and continues to launch attacks on innocent civilians? The FNL is a classical example in this regard; although, efforts have been made (as the comprehensive peace deal reveals) to address the root causes of Burundi's civil conflict, they have refused to join the peace process, and have often attacked civilians.

5.3 SA Diplomatic Mediation in the Burundi Civil Conflict

SA's participation in Burundi's peace process is considered as the "most significant peace intervention since democracy"³³². SA's direct role in the Burundi peace process began with the designation of SA's former president Nelson Mandela as facilitator in December 1999. Following the death of former President Julius Nyerere, Mandela was appointed by eastern and southern African leaders as facilitator of the Burundi peace negotiations in Arusha. Intensive diplomatic efforts under the facilitation of Mandela resulted in the Arusha Peace and Reconciliation Agreement for Burundi, which was signed on August 28, 2000 by parties to the Burundi conflict³³³. SA's motivation in significantly intervening in Burundi considering that other key parties like the Regional Initiative for Peace in Burundi, UN and OAU were already involved

³³² Integrated Regional Information Networks, 'Burundi-South Africa: SA's Troops get Thumbs Up', <http://www.reliefweb.int>, 31 May 2002, p.2

³³³ UN Office in Burundi, 'United Nations and Burundi', <http://www.un.org>, Sept. 2000, p.5; IRIN-CEA, 'Burundi: Mandela Widely Welcomed as Facilitator' <http://www.africa.upenn.edu>, December 2, 1999, p.1

in the peace process, provides an important component of SA's motivation in the search for peace in Burundi.

On assuming the role of a facilitator in the Burundi peace process, replacing the late former President Julius Nyerere, Mandela's challenge was to forge peace between the ruling minority Tutsi, who constitute 15 per cent of the population, and majority Hutus, who were excluded from political power³³⁴.

Nelson Mandela was under intense pressure to create a transitional government by November 1, 2001 that would lead Burundi to achieve peace, but there was growing scepticism about his "made-in-Africa peace plan". He complained that none of the parties seemed to be "in a hurry to bring peace. They bring gloom"³³⁵. However, Mandela's mediation skills culminated in the November 1 installation of an interim government that comprised of both ethnic groups. Mandela drew from his "experience of sharing power with his former jailers to impress upon the Burundians that they hold the key to lasting peace in their country"³³⁶. However, the rebels were not included in that peace process leading to the continuation of fighting³³⁷. Although, Mandela used his reconciliatory experience in South Africa to enable power sharing between Hutus and Tutsis in an interim government, without having involved the rebels as some of the key stakeholders of the peace process, provided a partial solution to the civil conflict as this meant that grievances of the rebels were not accommodated and addressed. This seemed like a tactical postponement of negotiations involving all key parties to the conflict, a requirement that was necessary to promote durable peace in Burundi.

President Pierre Buyoya paid tribute to the Burundi peace talks' facilitator, Nelson Mandela for having persuaded the representative of armed groups to join negotiations. Mandela had a series of meetings in Johannesburg with FDD leader Jean-Bosco Ndayikengurukiye and FNL leader Kabura Cossan at which they committed

³³⁴ Khathu Mamaila, 'The Magic Just Keeps Working', in The Star, November 14, 2001

³³⁵ Buchizya Mseteka, 'Are Seeds of Doom Planted in Earth of Mandela's Plan?', in Business Day, October 25 2001, p.2

³³⁶ Khathu Mamaila, op.cit., p.12

³³⁷ Paul Busharizi, 'Burundi Needs Armed Solution- Museveni', in Business Day, July 16, 2003.

themselves in principle to join the peace talks as long as certain conditions were met³³⁸.

Mandela's first visit to Burundi to meet Burundian President Pierre Buyoya and the Burundi military command as part of his mandate to bring peace to the country, devastated by hostilities between Tutsis and Hutus, was aimed at briefing the military about the military significance of the Arusha Peace talks. Mandela asked the officers to respect the Arusha negotiations designed to integrate Hutu rebel fighters into the army and extending amnesty for past atrocities³³⁹. After intensive negotiations Mandela has been able to convince Burundian warring parties to integrate the armed forces, in which the army would be equally represented by Hutus and Tutsis and to release people in refugee camps, issues that were key in the Arusha peace talks. The camps were created during intensive fighting as a measure to stop rebel groups from recruiting new members from rural areas³⁴⁰. Mandela's effort to persuade warring parties to integrate the army was a milestone in Burundi's peace process; it was difficult to attain or even maintain state power without military support or approval. This was demonstrated in 1993 when some elements from the army assassinated the first democratically elected Hutu President. Thus, it was impossible to resolve the political question in Burundi without dealing with the military issue. However, although, at the time it was clearly impossible to move the peace process forward without extending amnesty for past atrocities committed against Burundians, it is salient to note that enduring peace in Burundi is impossible to achieve without bringing to justice those accused to have committed serious crimes against the people of Burundi. This could fall within broader efforts designed to promote national reconciliation and justice, as stipulated in the Arusha Peace and reconciliation agreement for Burundi. Moreover, such a move is crucial in resolving the outbreak of killings and counter killings that had been periodically perpetrated against the Burundi people as a means of vengeance of their ethnic counterparts killed in the past.

Although the signing of Arusha Peace Agreement for Burundi that was overseen by Mandela lessened tension in Burundi, and was signed by majority of parties including

³³⁸ Julia Crawford, 'Mandela Praised for Burundi Talks Role', in *The Star*, March 28, 2000.

³³⁹ Khathu Mamaila and Peter Fabricius, 'Mandela, Tutsis and Hutus to Meet in SA', in *The Star*, May 1, 2000

³⁴⁰ Khathu Mamaila, 'Mandela Helps Strike Deal for Burundi Peace', in *The Star*, June 8, 2000.

the Tutsi dominated government, the main rebel group did not sign the deal. Mandela announced that parties that did not sign the agreement would meet in SA in the near future. Mandela also said that he had called for a meeting between President Buyoya, the Tutsi dominated army and the two rebel groups, the FDD and the FNL³⁴¹. Without the participation of the main rebel group, FDD in the peace process, let alone, having not signed the Arusha peace agreement for Burundi, rendered the agreement of no effect given that the rebel group operated in almost all areas of the country. Although, it was important that post-Arusha peace deal discussions between the key parties to the conflict be held as a measure to convince the non-signatory parties to join the peace process, it was difficult, if not, impossible to realise this goal without having to renegotiate substantive parts of the peace deal.

In an effort to involve groups that had not participated in all peace negotiations, former President Nelson Mandela had to postpone the signing of the Burundi Peace Agreement to August 28 instead of July 20, 2000 as it was originally planned. However, the CNDD-FDD rebel group rejected calls to sign the Agreement citing that it had not been part of the process for the past two years. Shortly, fighting between the Government and the rebel forces escalated³⁴². This raises the importance of participation by key parties to the conflict in order for any peace deal to produce tangible results or to succeed in promoting comprehensive peace. The conflicting demands and often irreconcilable differences demand active participation in the negotiations by all warring parties in an attempt to achieve concessions and compromises agreeable to all and, hence, leading to a peace deal that through its implementation will increase chances of achieving comprehensive peace. This is premised on the fact that participation produces accountability and ownership of the peace process by the participants, factors likely to increase chances for successful implementation of the peace deal.

“Zuma has been among the most proponents of Arusha’s inviolability. He drew parallels between the tough tactics used to forge SA’s Convention for a Democratic

³⁴¹ SAPA, ‘Mandela Confirms All Quiet in Burundi’, in The Citizen, September, 1 2000

³⁴² H. Solomon and A. Turton, ‘Is 16/19 Enough?: Burundi Hopes for Peace’, in Conflict Trends, no.2, 2000, p.5

South Africa agreements and the struggle to negotiate a Burundi settlement”³⁴³. Many South Africans look at the Burundi situation within the context of majority Hutus attempting to take power from the Tutsi minority³⁴⁴. However, it should be acknowledged that power in Burundi has been centred more on regionalism than ethnicity, to the extent that, Hutus from Bururi Province, which has been the centre of power for over three decades, enjoyed more privileges in terms of political appointments than Tutsis from other Regions. Thus, we can argue that in the case of Burundi, it is rather a struggle to capture power from the south (Bururi province) by Burundians who were marginalised, though, using ethnicity as an instrument to reach that goal.

With the help of SA, President Buyoya, representing the TgoB and Pierre Nkurunziza, representing the CNDD-FDD reached agreement on the implementation of the ceasefire agreement they had signed in Arusha, Tanzania on December 2, 2002. Among the key issues that were agreed upon was the rapid deployment of the African Mission in Burundi that would be constituted by troops from South Africa, Mozambique and Ethiopia³⁴⁵. SA’s significant contribution in resolving the intractable conflict in Burundi is visibly substantial; seemingly irreconcilable differences and conflicting demands between warring parties that Regional peace Summits (Great Lakes Initiative for Burundi) were unable to resolve, but with the help of Pretoria’s diplomatic craftiness, settlement to the differences were reached.

In an attempt to build trust between the government of Burundi and the FDD and thereby, honour the December 2, 2002 ceasefire that had been violated (fighting had intensified in nine of Burundi’s sixteen provinces), Pretoria called for peace talks. A week earlier, mediator Jacob Zuma spent two days of talks with rebel leader, Pierre Nkurunziza. However, the ceasefire remained incomplete in the face of continual attacks on Bujumbura by the FNL. The FNL felt excluded because its demands had

³⁴³ Jean-Jacques Cornish, ‘Back to Basics in Burundi as Talks Fail’, in Mail & Guardian, September 19-25, 2003

³⁴⁴ loc.cit

³⁴⁵ Lakela Kaunda, ‘Burundian Parties reach Agreement on Ceasefire Agreement’, The Presidency, Republic of South Africa, Pretoria, 28 Jan. 2003

not been addressed by both the Burundian government and the mediators³⁴⁶. To the extent that the ceasefire that was signed between the GoB and the FDD was dishonoured because the FDD felt that its demands were not met, it was not unreasonable for the FNL to express its disregard for the ceasefire by fighting since it was neither a party to the ceasefire nor the Arusha peace agreement.

In an effort to implement the ceasefire accord that was signed by Nkurunziza on December 7, 2002 President Mbeki and his former deputy Jacob Zuma had to spend three successive all-night negotiating sessions with Burundian President Domitien Ndayizeye and rebel leader Pierre Nkurunziza. They spent seven more hours to agree on the wording of the implementation agreement before informing their delegations, who had been kept out of the negotiations. In order to reach at this both President Mbeki and Zuma had to use “high pressure tactics”. Zuma repeatedly defended his stance by referring to SA’s experience: How do you think they got us to Convention for a Democratic South Africa (CODESA) and kept us there? It is all about pressure”. As a result of the “arm twisting”, Nkurunziza declared an immediate ceasefire order to his forces, and the President followed suit. In effect this was an agreement that fastened “nuts and bolts” of the unhonoured ceasefire accord signed in December 2002. However, without inclusion of the FNL into the peace process, enduring peace looks far a way from being realized, though, Mbeki described the absence of the FNL as “a small problem”³⁴⁷.

While the high pressure tactics that were applied by Mbeki and Zuma were crucial to push parties into agreement and hence implement the ceasefire accord, it should be acknowledged that the same tactics were unable to produce tangible results in SA because of the apparent irreconcilable differences and competing interests among parties, which as a matter of fact, resulted in the collapse of CODESA. However, after nearly a year negotiations were resumed under a Multi-party Planning Conference³⁴⁸.

³⁴⁶ Jean-Jacques Cornish, ‘Burundi: Weeks, Months of Negotiations ahead’, in Mail & Guardian, January 24-30, 2003.

³⁴⁷ Jean-Jacques Cornish, ‘They’ll Sign But they Won’t Sing’, in Mail & Guardian, October 10-16, 2003

³⁴⁸ Johannes Mutshutshu Rantete, ‘The ANC Substantive Negotiations’, in Johannes Mutshutshu Rantete (ed.), The African National Congress and the Negotiated Settlement in South Africa, J. L. van Schaik Publishers, Pretoria, 1998, pp.197-205

Thus, we should rather argue that the high pressure tactics coupled with the negotiation experience that was based on the lessons learned from the failure of CODESA enabled Mbeki and Zuma to reconcile conflicting positions of the Burundian parties and thus helping the parties to reach agreement on implementation of the ceasefire. In contrast, however, while in SA negotiation attempts were made to convince parties, such as, Pan Africa Congress (PAC) and the Conservative Party (CP) that were not part of CODESA to join a Multi-party Planning Conference, which they did, in the case of Burundi, the FNL were not considered, a move which cast doubt on attaining comprehensive peace in Burundi.

Under the mediation of the former deputy President Jacob Zuma, President Ndayizeye and the rebel leaders set out to negotiate details of the FDD's participation in the transitional government. The lack of progress has been due to the late entry into the peace process by the FDD and the on-going non-participation of the FNL. Both of the rebel movements were not invited to participate in the Arusha peace for Burundi and are not willing to join the peace process not until substantial renegotiations are done. Although, Zuma has taken lightly the threat posed by the FNL saying that they will join the talks later, Nkurunziza's FDD movement acknowledges that peace cannot be achieved without the FNL's participation. Zuma's tactic has been to push the outsiders to participate in the transitional process³⁴⁹. It was a diplomatic oversight not to involve the rebels to participate in the Arusha peace and reconciliation agreement for Burundi; considering that the rebels were among the key parties to the conflict, comprehensive peace chiefly depended on their participation. By having to renegotiate substantial provisions in the peace deal in order to accommodate rebels, delayed the peace process and hence, achieving of comprehensive peace in Burundi. This is further complicated by having to accommodate the FNL into the peace process; this means that structures, that is, government representative institutions, such as, Legislature, have got to be dismantled in order to involve the FNL in the governmental structures, a process that may result in conflict.

³⁴⁹ Jean-Jacques Cornish, 'Burundi Rebels Still call the Shots', in Mail & Guardian, August 22-28, 2003

In an effort to “breath life” into Burundi’s peace process Zuma, who was the chief mediator in the Burundi peace process brought together the country’s President and rebel leaders ahead of the Great Lakes Summit on Burundi aimed at evaluating the willingness of the rebel movements to negotiate. Also the meeting purposed to harmonise proposals of the two parties on power-sharing and the transformation of the military. Zuma held separate talks with the parties, who then handed him their proposals.³⁵⁰ In a sense, SA’s diplomatic engagement with the key parties to Burundi’s civil conflict in pre-negotiations ahead of the Summit was an attempt to reduce tension between the parties and ensure feasible proposals to work with during the Summit and thus, increase the chances of reaching a negotiated agreement by avoiding a stalemate in the discussions. Further, this was an attempt to facilitate the Burundi peace process (negotiations) by increasing the pace at which talks should progress.

The Burundi peace process had reached “a serious deadlock” by the time the Burundian President Domitien Ndayizeye and CNDD-FDD leader Pierre Nkurunziza met in Pretoria early October 2003. It was apparent during the Heads of State Summit held in Dar es Salaam in September, that the “two parties clung to conflicting interpretations and irreconcilable demands around power sharing”, particularly concerning political and security/defence issues. The “ intransigence” expressed by the parties during the Regional Summit inhibited them from reaching agreement, in spite of the fact that, the four regional Heads of state had exerted considerable pressure on the parties, and a document that comprehensively attempted to address the concerns and interests of both parties had been produced by a team of regional experts³⁵¹. It was not uncommon, especially in Burundian politics, for the apparent strong and uncompromising stance exhibited by the Burundian warring parties. This is because both political and military power meant every thing; political exclusion, and military dominance by minority Tutsis (which served to reinforce political decisions and protect those in power) were the key factors around which armed conflict was centred upon. Moreover, this was further complicated by the fact that the power sharing formula designed in the Arusha peace and reconciliation agreement for

³⁵⁰ SAPA-AP-AFP, ‘Zuma Optimistic about Burundi’s Peace Process’ in Business Day, August 21, 2003

³⁵¹ Henri Boshoff and Jean Marie Gasana, ‘Mapping the Road to Peace in Burundi: The Pretoria Sessions’, Situation Report, 24 Nov. 2003

Burundi was reached without the participation of the rebel movements. Thus, harmonising the deal to accommodate the rebel force, FDD into the political and military structures was bound to be problematic.

In an effort to resolve outstanding issues from the stalled power sharing talks that had been organized under a Regional Peace Summit held in Dar es Salaam, Tanzania in September 2003, South African president Thabo Mbeki and Jacob Zuma the chief facilitator mediated between the president of Burundi Domitien Ndayizeye and Pierre Nkurunziza leader of FDD. The talks came after negotiations that were held in Pretoria in August 2003 to discuss the implementation of the ceasefire agreements signed in December, 2002 and January, 2003³⁵².

On October 8, 2003 through the mediation effort of South African President Thabo Mbeki, Burundi's main rebel leader, Pierre Nkurunziza of the Defence of Democracy signed a new peace accord with President Domitien Ndayizeye in an effort to end a decade of civil war that had killed 300,000 people. The deal was signed on entry into government by the rebel group³⁵³. However, since the second main rebel group, the FNL had refused to stop fighting, "fears remained that long-term stability may prove elusive"³⁵⁴. Furthermore, this is compounded by the refusal by Mbeki to acknowledge the fact that the absence of the FNL into any peace deal would jeopardize stability in Burundi: "Mbeki dismissed the FNL as small problems saying its refusal to negotiate was not a major hurdle to the peace process"³⁵⁵. It was diplomatically faulty to dismiss the FNL as a weak force, which cannot pose a threat to the peace process; the attacks on Bujumbura, the capital of Burundi, which lasted for a week and left more than 200 civilians dead and forcing thousands to flee from their homes³⁵⁶, disapproved Mbeki's assertion. This also demonstrates the fact that Burundi cannot enjoy comprehensive peace unless the FNL joins the peace process.

³⁵² Mail and Guardian, 'Mbeki Mediates between Burundi Government and Rebels', <http://www.mg.co.za>, 6 Oct. 2003, pp.1-2

³⁵³ Reuters AlertNet, <http://www.alertnet.org>, 8 October, 2003

³⁵⁴ <http://www.news24.com>, 9 October, 2003

³⁵⁵ Jean-Jacques Cornish, *op.cit.*, p.1

³⁵⁶ SAPA-AFP, in *Business Day*, *op.cit.*, July 15, 2003

South African negotiators believed that its conflict resolution approach had yielded success after helping the Transitional Government of Burundi (TgoB) and the Forces for Defence of Democracy (FDD) reach agreement on two important protocols: the October 8 “protocol on Political, Defence and Security Power Sharing in Burundi” and the November 2 “protocol on Outstanding Political, Defence and Security Power Sharing issues in Burundi”. The Protocol signed on October 8, 2003 represented the settlement of all the outstanding issues mentioned above that deadlocked the Heads of State Summit on power sharing in Burundi. In an effort to convince the parties to reach agreement and hence overcome the deadlock, President Thabo Mbeki drew from the document that was proposed by the regional experts as a guiding framework. On November 2, 2003 the parties overcame “what has been perhaps the major stumbling block in the Burundi Peace Process”: the ‘Forces Technical Agreement’ (FTA). Together with the participation of the South African President, Thabo Mbeki as mediator, the parties were able to reach agreement on a crucial framework for the ‘inclusive’ reform of Burundi’s security institutions. The FTA was officially signed in Dar es Salaam on November 16, 2003 under the framework of the Arusha agreement. The Global Ceasefire Agreement of November 16, 2003 finalized the political, defence and power sharing agreements that were signed in Pretoria on October 8 and on November 2, 2003³⁵⁷. Mbeki promised to send the former deputy president Jacob Zuma, who was the chief facilitator of the Burundi peace process, to oversee the implementation of the Pretoria Protocols³⁵⁸.

Thus, SA’s conflict resolution approach that was employed in resolving outstanding issues from the stalled power sharing negotiations that had been organized in September 2003 in Dar es Salaam under a Regional Peace Summit, was crucial in providing a framework for comprehensive peace in Burundi, and informing Africa’s international relations. Fundamentally, this approach was based on South Africa’s skilfulness of its diplomats, and was informed by SA’s history in negotiating a peaceful settlement to the conflict that confronted whites and blacks; and proposals of the regional experts on conflict in the Great lakes. However, Burundian parties

³⁵⁷ Jean Marie Gasana, & Henri Boshoff, ‘Burundi: Critical Challenges to the Peace Process’, African Security Analysis Programme Situation Report, Sept.16, 2003, p.1

³⁵⁸ Jean-Jacques Cornish, ‘One Rebel Group Signs Peace Accord, Another Stays Out’, <http://www.globalpolicy.org>, 3 Nov. 2003, p.1

doubted the possibility of achieving enduring peace in Burundi as long as the FNL remained defiant. The then chief facilitator of the Burundi peace process, Jacob Zuma attempted to persuade the FNL leader, Rwaso to join the peace process and halt the fighting, warning that failure to do so would lead to withering away of the FNL³⁵⁹.

After the FNL had launched the “fiercest” attack on Burundi’s capital, Bujumbura, since the beginning of the civil war in 1993, Zuma the chief mediator in the Burundi peace process had discussions with Burundi’s top government officials including the military commanders and all agreed to revise the mandate of the African force in order to deal with the current escalation of fighting³⁶⁰. It was, therefore, diplomatically/politically flawed to have treated the FNL as an insignificant party to the conflict without having assessed the potential of the rebel group by questioning their support base and allies with negative forces, such as, the former Rwandan forces and militias who participated in the 1994 Rwandan genocide. By deciding to amend the mandate of the African force, was suggestive that the GoB required military intervention by the African force in order to root-out the FNL, which has consistently rejected to join the peace process.

5.4 Field Work Information: The Burundi Peacekeeping

Mission/SA Operational Commanders

5.4.1 Mission objectives and challenges encountered in resolving the Burundi civil conflict

According to the respondents, SA had a single mission objective which was to provide protection to the VIPs (former exile politicians) in order that they participate in negotiations and the transitional government. However, under the AMIB their mission extended to include monitoring and observing implementation of the ceasefire by the government of Burundi and rebels. Under the United Nations their mission included:

³⁵⁹ Jean Marie Gasana and Henri Boshoff, *op.cit.*, p.6

³⁶⁰ SAPA-AFP, ‘Wider Mandate for AU’s Burundi Forces’, in *Business Day*, July 18, 2003

- o Peacekeeping and at some point peace enforcement;
- o Ensuring that the ceasefire is respected by warring parties; and
- o Ensuring a successful electoral process

To a large extent mission objectives have been achieved as elections were conducted smoothly and attacks on former political prisoners were halted. However, peace has not been wholly achieved because the FNL are still fighting. This indicates that while SA peacekeepers were limited by their mission mandate and that of AMIB, under the U.N. their mandate was broadened to include peacekeeping at a much broader sense i.e., civilian protection. Indeed it is difficult to realise durable peace in Burundi given that the FNL are not part of the peace process. But the relevant question to pose is whether or not under the new mandate, peace enforcement was effected in an effort to promote peace in Burundi. This will be responded to in the following paragraphs.

Forces encountered resistance from both the government and rebel forces. Government forces protested the arrival of SA troops. Very often government forces blocked SA troops while escorting former exile leaders to consult with their combatants in the bush and in camps. Initially, exile leaders had refused to return citing fear of their safety and this resulted in the delay of some into the country. There was continued random shooting by both warring parties that was aimed at threatening returning exile leaders and SA troops by demonstrating that war had not ended. SA troops suffered suspicion by both belligerent parties especially government forces, which resulted in an attack on SA positions by government forces alleging that they were allies of the former rebels. Such resistance demonstrates the need for support mechanisms for intervention in war-torn societies (e.g., a threat of an embargo, which at an earlier stage of Burundi's civil conflict, produced positive results by forcing the Burundian government to negotiate). This also illustrates the importance of well preparedness in terms of sufficient military resources capable of repelling any attack and therefore enforce a peacekeeping mandate.

Memorandum of understanding (status of forces agreement) limited operations of SA troops, for example, although shots that were very often fired, attracted the attention of SA troops to monitor the situation, but "documents limited our movements". This was compounded by the UN peacekeeping norm of impartiality, which sometimes restricted operations that should have been taken to save civilians. Moreover, there

was insufficient number of forces to effectively carry out peacekeeping duties. However memorandum of understanding which limited wider operations of SA peacekeepers only applied under SA mission mandate and not under U.N. mission, whose mandate extended to include peace enforcement. However, according to the Burundian respondents even under the U.N., SA troops were unable to protect civilians facing danger. Perhaps failure to protect civilians was due to insufficient military resources at hand as revealed by some SA operational commanders.

It was difficult to implement peace enforcement because of having been constrained by the National Defence Forces (Burundian government forces). Forces were prevented from undertaking operations during the night and yet killings and random shooting, in most cases, happened during night hours. This contravened the UN mission codes, in which UN troops are supposed to go any where at any time and into any place. This also reveals the importance of backing Security Council resolutions with the will and sufficient resources necessary to put them into implementation.

Local people were uncooperative- feared to give information due to intimidation from government forces. In some cases they were killed by government forces on grounds that “they had sold them out”. This raises the question of a more coordinated intelligence net work within the framework of an early warning system capable of gathering key information necessary for effective peacekeeping operations.

Troops faced logistical problems because they were self-sustained and equipments were only found in SA and thus, obtaining them took a long time. Insufficient and inappropriate transport for former exile leaders was also encountered as a big challenge. This was compounded by the unfriendly terrain in most parts of the country. Language was a big constraint since a few personnel could speak Swahili and one or two spoke French.

In an effort to eliminate threats that were posed by the local forces, a show of force and high standard of discipline was demonstrated. Protection of VIPs (former exile leaders) was bolstered. Transparency with commanders of the Burundian army and liaising with them by clarifying the purpose of intended movements with former exile leaders helped as a confidence-building resource. In addition, communication with

both government and rebel forces on the specific mission of SA troops with time changed the perspective of the parties towards SA troops. This stresses the importance of a show of force as a military strategy in dealing with complex conflict situations. It also singles out the importance of effective communication with parties to the conflict in an effort to resolve a conflict. However, this is applicable to warring parties committed to a peaceful solution to the conflict.

In order to address the logistical problem, other external parties present in Burundi, such as, the AU extended support. Situational reports were made and submitted to SA government and the UN Office in Burundi, which were later sent to New York.

Cooperation with government was more of a compromise than cooperation per se; political decisions were not implemented, e.g., “the government would say this and do the opposite on the ground”. Support by government was more on a strategic level than on a tactical level, which made it very difficult to launch operations. Unlike the FNL, rebels were to a large extent cooperative since they thought that their concerns would be addressed with the help from external forces. At the extreme, one respondent asserted that no other support was received from government apart from providing operational bases. Information flow from FAB commanders to their subordinates was contradictory, to the extent that, subordinates would decide contrary to decisions issued from above and this would as a result frustrate SA troop operations. For instance, restrictions on troop movements by FAB resulted in delays in carrying out tasks. Perhaps this was an expression of the need to preserve total sovereignty by the government of Burundi (GoB). Thus, this poses a challenge to humanitarian intervention for civilian protection, a notion that has gained wider recognition in the contemporary era. In another sense, considering that atrocities against civilians were often carried out during the night, was then government through its forces preventing operations of external forces as a measure to conceal what was being done behind the scenes? In such a scenario, efforts of external intervention are limited by a government, which is an accomplice against its own people.

SA troops liaised with other contingents from other countries on a regular basis in an effort to deal with incidences that were happening in different areas of deployment. Cooperation with external parties was facilitated in an attempt to carry out mission mandates. For instance, SA troops under AU, whose mandate included provision of

protection to former exile leaders, liaised with the UN troops during operations in order to bolster their security since the latter were responsible for ensuring peace and stability. Forums were also organized to discuss military issues, such as, troop deployment, achievements, failures and their possible solutions. However, problems of command and control were encountered among contingents of different countries, and, as such, commands were not easily respected. Meetings involved the participation of NGOs and relevant government institutions. Particularly, constant contacts with the UN forces were made such that in an event of an attack, help would be easily rendered. This raises the salience of cooperation with both external and local players in an attempt to address conflict; very often these are better placed to provide support systems in terms of logistics and information which is crucial to enable successful implementation of mandates of peacekeeping operations. For instance, the bolstering of the security of SA troops under AU mission³⁶¹ by the U.N. troops ensured a successful implementation of their mandate in providing protection to former exile politicians and thus, prevented the escalation or eruption of conflict in the event that they were attacked.

The presence of foreign forces eliminated great fear in the civilians; it provided some sort of psychological security to the extent that they trusted foreign forces to guard against any attempt by warring parties to destabilize the security situation. It fits within the broader aspiration of former President Nelson Mandela- of ensuring peace and stability on the African continent. Also the willingness of SA to help a fellow African state by undertaking such a risky mission, initially, without the support of the UN, is an expression of SA's commitment to the ideals of the African renaissance and NEPAD. Moreover, the mission significantly limited the number of refugees that were fleeing into neighbouring countries and encouraged the return of thousands of others. The above argument demonstrates the significance of a third party force in restoring confidence in civilians through a show of force, which, in this case, is evidenced by having prevented people from fleeing Burundi and encouraged others to return. In a sense, this was a boost in improving the security situation, which in effect instilled faith in the civilians about the stability of the country.

³⁶¹ Some SA troops remained under AU Mission to protect former exile leaders even after UN Mission had taken over Burundi peacekeeping Mission from AMIB.

For effective implementation of NEPAD, of which, SA is a key proponent, Burundi has to be at peace in order to promote regional stability. Burundi now enjoys relative peace compared to the past years- many civilians do not foresee the country degenerating into war again. Thus, SA's intervention in Burundi was done within the framework of NEPAD and the African renaissance, programs which strive to promote Africa's economic development by resolving devastating conflicts inhibiting the attainment of that goal. This also reveals the interconnectedness of conflicts in the region, by which, it should be rather argued that regional stability should precede peace in Burundi.

5.4.2 External parties and possibility in resolving Burundi's intractable civil conflict

Logistical and financial support to provide sufficient resources and military equipments in order to effectively undertake missions is of paramount importance. This can enable the deployment of a big force that can stabilize the situation by show of force. A reaction force must be formed to intervene and save civilians in case of imminent threats against them. This could be in form of a regional reaction force that can be deployed at short notice. There is need for flexible mandates that can quickly permit intervention in the event that civilian lives are at stake. While it is important that sufficient resources in terms of military equipments, financial and personnel are necessary to increase the chances of success in any peacekeeping operation, it is equally important to garner the will to provide such resources, and to formulate flexible mandates in order to implement effective peace operations. Together with a reaction force, this would ensure that the international community avoids genocides like the 1994 Rwandan genocide, which only lasted for 100 days but led to the massacre of more than a million people.

5.4.3 UN traditional peacekeeping norms of engagement and peacekeeping in Burundi

Besides the UN traditional peacekeeping norms our own mission mandate constrained us from protecting civilians whose lives were at stake, and from dealing with negative forces like the FNL, who often were killing innocent civilians. For instance, "constantly there were circumstances under which civilians' lives were threatened and

some killed but our mandate did not allow us to intervene”. In some instances, a situation may arise where immediate action is required to save civilians faced with danger, but due to delays in command, which has in most cases to come from New York, it might be too late. However, the UN traditional peacekeeping norms, in particular, observing impartiality was essential in building confidence among warring parties (government troops and the rebels, FDD) thereby, limiting possibilities of conflict escalation. This calls into question the relevance of strict observance of the U.N. traditional peacekeeping in the contemporary era, in which human rights (humanitarian intervention for civilian protection) have been widely recognised; it is impractical (for example) to observe impartiality while at the same time having to protect civilians whose lives are at stake. Though, impartiality might be the best option to take in a conflict whose warring parties are committed to a negotiated settlement to the conflict, but what should be an alternative option in cases (such as FNL in Burundi) where a party has not embraced pacific means of addressing conflict and whose operations are a threat to civilians or to the stability of the country? Responding to this requires close examination of the relevance of observing U.N. traditional peacekeeping norms in the face of imminent threats against civilians.

5.4.4 External intervention and protection of civilians

A peacekeeping force should be deployed “before things get out of hand” rather than wait until the conflict has escalated and civilian lives subjected to greater risk. Moreover, A rapid reaction brigade should be formed that “can deploy under any circumstances within a short period of time”. The brigade must be well trained by taking into consideration past experiences and modern technological advancement. Each region should have its own brigade but a special (centralized) rapid reaction brigade that is highly trained must also be formed to reinforce regional brigades whenever need arises. In order for rapid deployment to be possible, there is need for an early warning system that is capable of detecting and reporting warning signs, which could be initially acted upon by preventive diplomacy (e.g., negotiations) before resorting to a military option.

External interveners should assume a more active role (without any restrictions in their movements/operations) in monitoring the security situation of the country so as

to establish the actual cause of a given incident. Both the FNL and government forces often accused each other to have launched attacks on civilians but SA troops had not enough evidence to establish the offender. A host country must not impose restrictions on external interveners that will limit them from effectively carrying out their mandate. This greatly constrained operations of external troops in Burundi as they were restricted from moving during night hours. In addition, mandates of external interveners must be flexible enough to provide for eventualities. While it is essential for external interveners to maintain flexible mandates, it is also important that memoranda of understanding should be made in reference to the prevailing situation on the ground and not just as a 'toothless' tool that will not produce tangible results. However, in case government reneges on its commitment, and in the face of danger to civilians, the external party should use its humanitarian obligation and intervene to protect such civilians. This underscores the need for sufficient resources to enable effective interventionist policies.

External interveners (peacekeepers) should be more proactive in protecting civilians; should deploy where there is potential danger rather than in safety areas- urban areas. This, however, requires sufficient logistics in terms of weaponry. Not only does this require sufficient logistics but the will on the part of the host country as well as the intervening force (or country); while the host country may resist military operations of an external force by invoking its primary responsibility of protecting its population, the external party may be unwilling to commit its troops in fear of the dangerous risks involved in such a military operation.

SA mandate permits the use of discretionary measures in grave situations but in consultation with the national army. However, in the event that the national army is unable to address the threat facing civilians, they are obliged to report to the UN as the principle custodian of maintaining peace and security, and on this basis, the UN engages with the government over the matter. We should argue that, given the bureaucratic process involved before a decision is taken, implies that the right of discretion is controlled and therefore does not amount to meaningful discretion, which is often required to respond to imminent threats on civilians.

On the contrary, an informant revealed that in accordance to SA perspective, the mandate does not allow them to exercise their discretion in an attempt to save civilians. This is “unacceptable since it restricts us from protecting the lives of innocent civilians”. Redesigning of mandates with a view to provide clear guidelines to peacekeepers as to how and when one should respond when faced with a situation that exposes civilian lives at a risk, could go along way in ensuring that civilian lives are safely protected. In essence such inflexibility in mandate that does not provide for eventualities that could threaten the lives of civilians and therefore make provisions for discretionally measures aimed to protect them, fails to acknowledge the wider recognition in the contemporary era, which has been accorded to humanitarian intervention for civilian protection. Such limitation can be located in memoranda of understanding between the host country and the external party, and in national agendas of an intervening force.

According to the UN peacekeeping code of conduct, a mandate allows for discretionary measures but such actions should be justifiable enough. For instance, in case of an attack on civilians in our area of control, we are allowed to exercise our discretion by fighting the attacking force in order to protect civilians. However, according to some respondents, intervention was not done even in the face of an attack in areas that were controlled by external forces. This puts into question the justifiability of an action that should permit intervention for civilian protection. Perhaps, such decision is based on the risk involved in a given operation, and on the resource sufficiency of an external force intending to launch a military operation.

In conclusion, SA’s motivation in resolving Burundi’s civil conflict is informed by its recent history in forging a peaceful transition to democracy by use of its own conflict resolution approach and vision of sustainable development. Moreover, this was done within broader efforts designed to resolve conflict on the continent and promote its development through visions, such as, the African Renaissance and NEPAD. The deployment of SA troops enabled internal negotiations and installation of Burundi’s transitional government. This increased chances of success of Burundi’s peace process and instilled a sense of security in the civilians by acting as a neutral force. However, SA’s contributions to peacekeeping under the authority of the UN was not significant due to insufficient resources in terms of military equipment and, as such,

troops were unable to protect civilians under imminent threat. SA's diplomatic efforts helped to address key contested issues; an equal number of representation in the army, and power sharing based on a quota system, whereby 60 per cent were to represent the Hutu and 40 per cent the Tutsi. SA diplomats played a crucial role in helping Burundian parties reach compromises. Their wider experience in negotiations, diplomatic craftiness and patience significantly helped the Burundi peace process. Although diplomatic facilitation by the former President, Nelson Mandela culminated in the Arusha Peace and Reconciliation Agreement for Burundi, the agreement was not signed by all Burundian parties, including rebels who were key parties to the peace process. Thus, the Arusha peace process failed to reach consensus in addressing Burundi's contentious issues. In an effort to achieve this end (resolving Burundi's civil conflict), SA engaged with external players, who were also stakeholders in Burundi's peace process. Thus, the next chapter will attempt to locate SA's leading role within broader efforts aimed at addressing Burundi's intractable civil conflict.

CHAPTER SIX:
REGIONAL ORGANISATIONS/INITIATIVES AND AFRICA'S
CIVIL CONFLICTS: SOUTH AFRICA'S SEARCH FOR A
DIPLOMATIC SOLUTION TO BURUNDI'S CIVIL
CONFLICT

This chapter investigates South Africa's engagement with the UN, AU and Regional Initiatives aimed at resolving the Burundi intractable civil conflict. The chapter also presents a brief discussion on the peace and security framework set up by the AU to respond to armed instability on the continent, in which the security regime is briefly tested on Burundi's civil conflict. Thereafter, the chapter looks at the role of the United Nations and African Union Missions in addressing the Burundi civil conflict based on field work information. Finally, perspectives of field experts specializing on conflict in the great lakes region are presented with a view to analyse the extent of external intervention in addressing Burundi's civil conflict.

**6.1 South Africa's Engagement with UN, AU and Regional Initiative for
Peace in Burundi aimed at Resolving the Burundi Civil Conflict**

The regional initiative for peace in Burundi has attempted through use of its political, economic, and military influence, to bring the Burundi parties into negotiations. However, specific measures, such as, economic sanctions against the Burundian government and effort by the African-led mediation, have not received adequate Western support. Even when the West agreed with the region's decisions, they usually failed to extend necessary support in form of technical assistance to implement them. Despite the "uneven support" from the West, regional states have made considerable progress in their approach by routing the Burundian parties towards democratic power sharing³⁶². It should be, however, noted that efforts by the regional states were less substantive in that the civil conflict did not subside. It was only when the former South African President, Nelson Mandela became chief facilitator of the Burundi peace process, and based on his approach of engaging with the West particularly for financial resources and diplomatic/political support, and after having helped the

³⁶² Stephen R. Weissman, 'The United Nations and Humanitarian Military Intervention', in Stephen R. Weissman (ed.), Preventing Genocide in Burundi: Lessons From International Diplomacy, Institute of Peace, Washington, DC, 1998, p.16

warring parties by brokering the Arusha Peace and Reconciliation for Burundi, that Burundi's hope for peace became more real.

As part of a new effort to revive the stalled peace talks and end a conflict that has left hundreds of thousands of people dead and tens of thousands in catastrophic humanitarian conditions, Nelson Mandela has brought the Burundi civil conflict to the attention of the United Nations. He was meant to address an open meeting of the Security Council, which was expected to adopt a resolution condemning the increased violence that threatens to escalate. This would highlight the severity of the conflict and render impetus to the peace process. Burundi's civil war, which has been ongoing for over six years, has not received the international attention that other conflicts have³⁶³. In addition, according to Reuters, Mandela's "approach as the new mediator has brought Burundi's civil war out of obscurity, and his dynamism and charm have given new impetus to the long-stalled negotiations"³⁶⁴. Because of the dire humanitarian catastrophe of the conflict that spread across the boundaries of the country into neighbouring countries, Burundi's civil conflict qualified as a conflict that threatens international peace and security and therefore requiring the attention of the United Nations Security Council as the key organ charged with maintaining international peace and security. The United Nations intervention was crucial in providing the necessary resources required to address the conflict. In particular, Security Council resolution was crucial in restraining the actions of the warring parties by creating fear of possible imposition of sanctions against them.

In a move meant to strengthen Burundi's peace process, Nelson Mandela invited a number of Heads of state from the United States, the Middle East, Europe and Africa to participate in the Arusha peace talks for Burundi. Mandela said that, "I want everyone involved ... otherwise there is no guarantee they will respect what we decide, and the process won't have any meaning"³⁶⁵. Mandela also said that he had invited them in order to "avoid a repeat of what is happening in the Middle East, where the parties are competing against each other and undermining each other"³⁶⁶. By inviting leaders from such powerful countries, which are members of the United

³⁶³ SAPA-AP, 'Mandela Wants UN to Spotlight Burundi Plight', in The Citizen, January 20, 2000

³⁶⁴ Reuters, 'Mandela to Battle for Burundi's Peace Deal', in Business Day, February 21, 2000, p.8

³⁶⁵ SAPA, 'Mandela Sees Peace for Burundi Quite Soon', in The Citizen, January 25, 2000, p.11

³⁶⁶ Bonile Ngqiyaza, 'Mandela Optimistic Over Burundi', in Business Day, January 25, 2000, p.3

Nations, European Union and the African Union, Mandela sought to influence policy within those organizations so that they could support peace initiatives aimed to resolve Burundi's civil conflict. This was also a diplomatic ploy to attract meaningful participation in the peace negotiations by the Burundian warring parties.

Within the broader framework of promoting peace in Burundi, Mandela engaged in talks with a European leader about the possibility of organizing an international investment conference that would raise funds for industrial development in Burundi. However, he said that this would depend on the commitment to peace by the Burundian parties³⁶⁷. While such a move was designed to provide incentives to the peace process and, therefore, encourage participation of the parties to the conflict, it was also a realization of the salience of economic influence to the Burundi civil conflict, which required redress as part of a broader solution to address the conflict.

Almost one month after signing the Arusha peace accord for Burundi, Mandela, who was the chief mediator of the Burundi peace process, invited a number of regional heads of state and leaders of the main rebel groups to a meeting in an effort to negotiate a ceasefire deal³⁶⁸. In order to promote durable peace in Burundi, Mandela has called upon neighbouring countries to monitor the implementation of peace in Burundi³⁶⁹. Indeed, in absence of a ceasefire, implementation of the signed peace accord would have been difficult to achieve, chiefly because the accord was not signed by the rebel groups including the main rebel group (FDD) which had fighters in almost all the parts of the country. Thus, it was impossible to attain peace in the country without involving the FDD in negotiations to reach a ceasefire. However, this does not suggest that comprehensive peace is possible without the participation of the FNL in the peace process.

In an effort to revitalize Burundi's shattered economy, Mandela was involved in organizing a conference of major donors that was due to take place in Paris on December 11 and 12. However, Mandela cautioned Burundi's warring parties to make progress towards peace in order to attract commitment of the international community

³⁶⁷ Eleanor Momberg, 'Burundi Peace on Track', in The Citizen, April 29, 2000

³⁶⁸ SAPA-AP, 'Rebels Kill 12 in Attack', in The Citizen, September 12, 2000

³⁶⁹ Thulani Msimang, 'Outstanding Parties Promise to Sign Burundian Peace Accord', in The Citizen, September 14, 2000

in this endeavour³⁷⁰. The conference aimed to solicit for emergency and development funds in support of the Arusha peace accord for Burundi, which was signed in August 2000 in Arusha, Tanzania to end an eight-year long civil war. The conference was also seen as a hope of creating, in Mandela's words, a "showcase example of peace bringing its dividends"³⁷¹. Although, it was important to mobilize for funding in order to support the implementation of the signed peace accord, this was rather meant to solicit emergency funds and not development funds as the climate on the ground was unsuitable for undertaking development initiatives since, by this time, the FDD had not signed a ceasefire with the Burundian government and fighting was ongoing. The comprehensive ceasefire was only signed in December of 2002.

African leaders have been invited by Nelson Mandela, facilitator of the Burundi peace process to take part in a Summit aimed at addressing Burundi's eight year civil war. The former South African President will brief the 11 heads of state on the problem encountered by the process and they will receive a progress report from the facilitator on a similar theme. Chief among the problem was the failure of the parties involved in the negotiations to agree on who would lead the transitional government provided for in the Arusha peace and reconciliation agreement for Burundi of August 2000³⁷². By involving regional leaders in the search for peace in Burundi, Mandela perceived the importance of concerted efforts in addressing the civil conflict, which had a regional bearing since it had spread into neighbouring countries and thus, affected regional stability. It was also important to involve regional leaders as stakeholders in the Burundi peace process given that some were feared to support warring parties. Thus, Mandela's move was crucial in ending such support and, therefore, force the parties to engage in meaningful negotiations to end the conflict.

The South African cabinet has approved the deployment of South African troops to Burundi, but this was subject to United Nation's approval. After lobbying with the UN Secretary General, Kofi Annan, Nelson Mandela is optimistic that the UN will approve the mission. Mandela has also had discussions with the Belgium Prime Minister Guy Verhofstadt and the EU Commission President Romano Prodi, who

³⁷⁰ Reuters, 'Burundi Peace Talks Fail', in *The Citizen*, December 1, 2000

³⁷¹ SAPA-AP, 'Mandela Backs Burundi', in *The Citizen*, December 12, 2000, p.4

³⁷² Julia Crawford, 'Mandela arrives for Burundi Peace Summit', in *The Star*, February 26, 2001;
SAPA-AP, 'Further Burundi Peace Summit', in *The Citizen*, February 21, 2001

have committed to finance the South African deployment provided it was not a military intervention³⁷³. As part of a mobilization campaign in support of Burundi's peace process, Nelson Mandela the chief facilitator in the peace process managed to convince donors at Paris conference to support peacekeeping operations in Burundi and the transitional government. The European Union pledged to fund SA peacekeeping operations in Burundi, which aims at protecting returning Burundian politicians³⁷⁴. Mandela's mobilization campaign in support of Burundi's peace process was crucial in generating diplomatic/political support from the United Nations, and financial resources from rich countries, incentives that were essential in moving the peace process forward and, in a sense, aiding South Africa's efforts to undertake the Burundi peace mission. This effort was salient in that, it brought the Burundi conflict to the attention of the international community and, thereby, increased the chances of resolving the conflict.

After two months of inconclusive negotiations in Dar es Salaam aimed at reaching a ceasefire in Burundi's almost a decade-long civil conflict, Southern African Heads of state attending a Summit in Tanzania have resolved to take punitive measures against Hutu rebel groups blamed for the lack of progress in the negotiations. Heads of state included the former South African President Nelson Mandela and the former deputy President Jacob Zuma, who has been responsible for mediating the ceasefire process. However, because of ceasefires agreed between the Burundian government and smaller factions of the two major rebel groups, the FDD and FNL, the Heads of state have softened their stance by extending another 30 days to the Hutu rebel movements to have entered into ceasefire negotiations before taking action. Some elements in the Tanzanian government and Joseph Kabila, the President of the Democratic Republic of Congo, are under increased pressure to cut their support to Hutu rebel groups, such as, the FDD. As a result Nkurunziza rebel leader of the FDD has agreed to unconditional negotiations with the government of Burundi³⁷⁵. Given that pressure (diplomatic threats) by regional leaders produced positive results, we should then argue that, the delays in Burundi's peace process were due to lack of tough stance against the peace spoilers, and partly due to the support that the rebels got from

³⁷³Peter Fabricius, 'SA to Send 2 Battalions to Burundi', in *The Star*, October 27, 2001

³⁷⁴Bonile Ngqiyaza, 'Donors will Fund SA's Peace Force', in *Business Day*, October 30, 2001

³⁷⁵Gregory Mthembu-Salter, 'Hutu Rebels Given Grace', in *Mail & Guardian*, October 11-17, 2002

regional sponsors. This suggests that the nature (regional bearing) of Africa's civil conflicts demand concerted effort and cooperation of regional players in addressing the conflicts.

Jacob Zuma, who was the chief mediator of the Burundi peace process, traversed the region in an effort to revive Burundi's peace process. After meeting with Ugandan President Yoweri Museveni, who proposed a military solution in order to stop renewed fighting in Burundi, they agreed to meet with the Tanzanian President Benjamin Mkapa in the near future to discuss the issue³⁷⁶. Zuma also visited the Rwandan President Paul Kagame and the Burundian Vice-President Alphonse Kadege in an attempt to stop the fighting³⁷⁷. Perhaps Zuma's approach in meeting with different individual regional leaders laid in the belief that each leader had an equal stake in the search for a peaceful settlement to Burundi's civil conflict. This also was based on an understanding that factors influencing Burundi's conflict were linked to the country's neighbours.

Although the FNL has been looked at as a force that cannot pose any serious threat, its recent week long assault on the capital, Bujumbura proved this wrong. Zuma intends to argue regional leaders to use their influence in persuading the FNL to join the peace process by arguing that what the FNL is fighting for has been addressed. However, this has been impossible to realize in the past since the FNL insists on negotiating with the Tutsis, who according to them, still have control over the country's administration and military rather than negotiating with the Hutus who are merely used by the Tutsis³⁷⁸. Given that the FNL seems disinterested to join the peace process, it is diplomatically correct to use regional leaders to persuade them while at the same time putting pressure on them by way of cutting support systems, in particular, supplies from their allies, such as, the Mai Mai and former Rwandan soldiers and militias resident in the DRC, which support, in effect, provides a plausible explanation to the apparent strength of the FNL.

³⁷⁶ Paul Busharizi, 'Burundi Needs Armed Solution-Museveni', in Business Day, July 16, 2003

³⁷⁷ Paul Busharizi in Africa Confidential, vol.44, no.15, 2003

³⁷⁸ Jean-Jacques Cornish, 'Burundi Rebels Still Call the Shots', in Mail & Guardian, August 22-28, 2003

Success in the implementation of the Burundi ceasefire agreement that had been violated by parties lay in the regional players' resolve. However, regional players have not done enough to control the actions of the rebels. Although, President Museveni had suggested a military solution to deal with the conflict, Tanzania's President Benjamin Mkapa has not expressed his position in addressing the conflict. Unless Uganda and Tanzania's influence is 'checked', Peace in Burundi is not possible³⁷⁹. Since, as mentioned earlier, regional pressure forced the main rebel group to negotiate unconditionally, this obliges us to reiterate the argument that durable peace in Burundi is based on the concerted and cooperative effort of regional leaders, which effort will bring the remaining rebel group, the FNL to the negotiating table. Conflicting strategies in dealing with the FNL issue will only exacerbate the situation.

After failing to implement the December 2002 ceasefire, the government and the CNDD-FDD were put under pressure by SA and the Regional Initiative for Peace in Burundi to resume peace talks. Meanwhile, both the CNDD-FDD and the FNL "raised the stakes" by launching series of attacks on government positions in all parts of the country, which climaxed in a week-long assault on Bujumbura by the FNL in July 2003. The "intractability" of the rebels toughened the regional resolve in dealing with the conflict; Uganda and Tanzania proposed a military solution in which a regional force would be deployed against the FNL to enforce peace, while convince the government of Burundi and the CNDD-FDD to reconcile their differences. These differences were deepened in early 2003 as Museveni particularly endeavoured to convince Zuma into deployment of a regional force that would "balance and strengthen" AMIB. A military solution would achieve two purposes: 1) putting pressure on the FNL and 2) reassuring the CNDD-FDD, which had accused the SA military of being biased in favour of the Tutsi. In contrast, Zuma argued that such a move would "inflame hostilities", efforts should rather aim at bolstering the African Mission (a view that was backed by Rwanda as a measure to control Uganda's regional influence). "It was only with difficulty that SA contained Ugandan and Tanzanian urgings that if the government and rebels could not negotiate an end to the

³⁷⁹ Jean-Jacques Cornish, 'They'll Sign But they Won't Sing', in Mail & Guardian, October 10-16, 2003

conflict, peace should be imposed by force”³⁸⁰. Seemingly, not only, had SA got to strive to search for a pacific solution to address the Burundi conflict, but also they had to contend with the regional power politics, which very often delayed progress in the peace process and hence, undermined SA’s effort to reach this goal within a reasonable timeframe. While it was not appropriate to pursue a military option to deal with the peace spoilers in Burundi before exhausting all diplomatic avenues, according to the responsibility to protect, it was a betrayal to the innocent civilians who were subjected to constant attacks by rebels not to intervene to protect them.

SA’s efforts in promoting peace in Burundi proved critical. SA was viewed largely as “an honest and neutral broker”, and one that was committed to peace by having deployed its troops. SA’s leadership was supported by the international community (notably, the UN, AU, EU and IMF/World Bank), which although largely indecisive, made indications throughout the successive phases of negotiations that they were willing to provide financial, humanitarian and development support provided that sustainable progress towards peace was achievable. SA’s determination to promote peace in Burundi was also informed by Mbeki’s vision of African renaissance, former deputy President Jacob Zuma’s diplomatic skills and persistence, and Pretoria’s central role in resolving conflict throughout the Great Lakes³⁸¹. It is obvious that SA was committed to promote peace in Burundi considering that it offered to deploy its troops before the signing of the ceasefire (Burundi was still in a war situation), which condition prevented the United Nations and others, such as, Nigerian troops to deploy. Although, to a large extent, SA troops did not militarily intervene to stop the fighting, their presence provided a show of force that prevented Burundi’s civil conflict from spiralling into catastrophic experience witnessed in Rwanda in 1994, where more than a million Tutsis and moderate Hutus were massacred in a period less than three months.

Mandela called a regional Heads of state summit, including the UN Secretary General Kofi Annan and OAU Secretary General Salim Ahmed Salim: the summit, which was to be followed by negotiations of the signatories to the peace accord signed on August

³⁸⁰ Roger Southall, ‘A Long Prelude to Peace: South African Involvement in ending Burundi’s War’, in Roger Southall (ed.), South Africa’s Role in Conflict Resolution and Peacemaking in Africa, Conference Proceedings, HSRC Press, Cape Town, 2006, pp. 119-120

³⁸¹ Ibid., p.130

28, 2000, expected to focus on the issue of a ceasefire and the person to assume the presidency during the transition period. These were the main obstacles hindering the implementation of the peace accord signed in August. This happened after Mandela had been involved in separate and parallel talks in South Africa with the government of Burundi and the CNDD-FDD and FNL rebel groups, which were excluded from negotiations, and continue to fight the government³⁸². Mandela's strategy of inviting such important personalities to participate in the negotiations was to render credence (in the eyes of belligerent parties) to the discussions and, therefore, speed up the peace process. Diplomatically, this was a sound ploy to discourage and create fear of isolation by regional leaders against potential spoilers of the negotiations. However, the strategy could not appropriately work since some regional leaders were in support of belligerent parties. This was to be helped by supplementary talks that were held in South Africa between belligerent parties with SA negotiators.

SA has been at the forefront of regional efforts designed to end the war in Burundi and currently leads the African Union force deployed in Burundi. The force is supposed to facilitate the implementation of the ceasefire agreements but it is not within its mandate to intervene in the fighting³⁸³. However, there should have been a provision to motivate intervention in case of circumstances that would seriously compromise civilian lives. This should be based on the responsibility to protect civilians in situations where the state is unable to protect them or is itself an accomplice against civilians, short of this, would render the presence of an external force of no effect.

Attempts to invite FNL in a regional meeting in Dar es Salaam on July 20, 2003 aimed to address the fighting were fruitless. The FNL spokesman Pasteur Habimana "regarded Zuma as biased in favour of the transitional government" and called for Mandela's intervention. "If he invites us we are ready to go everywhere except SA. We do not believe in Zuma because he favours government"³⁸⁴. Although, President Museveni, the Chairperson of the Regional Initiative for Peace in Burundi opted for a military solution in order to stop the fighting, Zuma "ruled out military intervention

³⁸² Julia Crawford, 'Mandela Arrives for Burundi Peace Summit', in *The Star*, March 28, 2000

³⁸³ SAPA-AFP, 'SA Troops Will Not fight Burundi Rebels', in *Business Day*, July 15, 2003.

³⁸⁴ Paul Busharizi, 'Burundi Needs Armed Solution- Museveni', in *Business Day*, July 16, 2003

by SA troops” and insisted that negotiations with the rebels would address the conflict³⁸⁵. As long as the FNL perceived the mediation of Zuma to be biased in favour of the government of Burundi, it was difficult for the talks to succeed, let alone, proceed. Thus, without resorting to a military solution as an option to promote durable peace in Burundi by defeating the FNL, there is need for a mediation process fair enough to attract the participation of the rebel force in the negotiations.

In an attempt to mobilize support for the Burundi peace process, Zuma the facilitator of the Burundi peace process called upon the UN Security Council to render direct assistance. He argued that the help would consolidate gains made by AMIB, ensure successful democratic elections that were due in 11 months, and establish Burundi on the path to comprehensive peace and stability. Zuma submitted that “conditions are now conducive for the U.N. to express its support and solidarity by taking over the African mission in Burundi, re-hat the existing military contingent and deploy a U.N. peacekeeping operation”³⁸⁶. Visibly, SA’s mobilisation and diplomatic engagement with key players involved in the Burundi peace process, emerges as an important boost for addressing Burundi’s civil conflict. For instance, by inviting the UN to take over AMIB, which they were leading, meant to strengthen efforts aimed to address the civil conflict by expanding the mandate of the mission and providing the necessary resources that were required.

In an attempt to search for a peaceful solution to Burundi’s civil conflict, President Thabo Mbeki and his former deputy Jacob Zuma, who was the chief facilitator in the power sharing talks, were to meet African heads of state in Dar es Salaam, Tanzania to review a deadline for the FNL to join Burundi’s peace process by September 5 or be subjected to UN sanctions. In case the FNL rejects calls to join the peace process, the AU may consider referring the matter to the UN Security Council in order to isolate the rebel group as a terrorist organization³⁸⁷. In the interest of ensuring lasting peace in Burundi, the FNL factor requires special attention by way of convincing the

³⁸⁵ Copewell Radebe and SAPA-AP, ‘Zuma insists Talks Will end Fresh Conflict in Burundi: Deputy President differs with Museveni on military Action’, in *Business Day*, July 17, 2003.

³⁸⁶ Edith M. Lederer, ‘South African Leader sees Progress in Burundi’, <http://www.globalpolicy.org>, 5 Dec. 2003, P.1

³⁸⁷ AFP, Reuters, ‘Rwanda and Burundi threaten Action Against DRC as Peace Process Breaks Down: Shadow of Regional War Looms after Latest Massacre of Tutsis’, in *ThisDAY*, August 18, 2004

rebels to join the peace process, and consciously analyze and address concerns that prevent them from joining efforts designed to promote peace in Burundi. This may require treating the rebel force as an equal party to the negotiations.

In order to deal with the fighting that has escalated in Burundi, Zuma is negotiating with Burundian authorities to allow a wider mandate for an African Union peacekeeping force. Currently, the AU troops are only authorized to use force in self-defence³⁸⁸. To the extent that the warring parties very often targeted civilians, it was paramount that terms to deploy AU troops were designed to provide a wider mandate to the peacekeepers in order to protect civilians under severe circumstances.

The African Mission in Burundi was not meant to be a long-term operation. It was only deployed in Burundi to create conditions suitable for the deployment of a United Nations peacekeeping force. Zuma's appeal for UN deployment after the FDD had started disarming were fruitless. The UN argued that it was unable to deploy its peacekeepers in absence of a comprehensive ceasefire, which demand was impossible given that the FNL had refused to join the peace process³⁸⁹. The UN has finally agreed to send its peacekeepers to Burundi, even though, the country still falls short of the criteria suitable for deploying a UN peacekeeping force. This has scored victory for Zuma, who has twice been to New York to petition the UN Security Council for the deployment of a UN force to Burundi³⁹⁰. While Zuma's pursuit could have persuaded Security Council to respond to Burundi's peacekeeping need, perhaps, the events that occurred in Burundi's neighbour, Rwanda (a genocide that was largely a result of neglect by the international community) might have motivated the Council to act against traditional peacekeeping norms by authorizing the deployment of the peacekeeping force in order not to repeat a similar mistake.

³⁸⁸ SAPA-AFP, 'Wider Mandate for AU's Burundi Forces', in Business Day, July 18, 2003

³⁸⁹ Jean- Jacques Cornish, 'At Last, A Time to Talk', in Mail & Guardian, January 9-15, 2004

³⁹⁰ Jean- Jacques Cornish, 'Burundi Talks Bogged Down', in Mail & Guardian, June 4-10, 2004

6.2 AU Peace and Security Framework set up to respond to Armed Instability on the Continent

Although the establishment of the OAU conflict resolution mechanism was expected to be a driving force of the Organisation towards managing conflict in Africa, its performance was found lacking³⁹¹. Ambassador Sam Ibok observed that:³⁹²

Even though the OAU and its Charter came into existence as a continental framework for the provision of the African collective will to ensure collective security and collective development, we have been unable in thirty years to craft a comprehensive security architecture to drive the peace and security agenda of the continent. This is in spite of the establishment in Cairo in 1993 of a continental mechanism for conflict management and resolution.

As a corrective measure to the OAU's mechanism, African Heads of state and government resolved in May 2001 to establish a new security regime that would operate within the framework of the newly formed AU³⁹³.

The norms guiding the AU's emerging peace and security regime relate closely with principles of the protection framework found in the responsibility to protect. Like the responsibility to protect, the AU's Constitutive Act and the Protocol relating to the establishment of the peace and Security Council are strong proponents of the sovereignty and territorial integrity of its member states. For example, Article 4 (f) of the PSC Protocol advocates "non-interference in the internal affairs of another", while Article 3 (b) of the Constitutive Act states that a supreme objective of the AU is to "defend the sovereignty, territorial integrity and independence of its member states"³⁹⁴.

However, the AU's Constitutive Act, like the responsibility to protect, places important constraints on state sovereignty. It is based on the premise that "sovereignty is conditional" and is defined in terms of a "state's willingness and capacity" to meet the security needs of its citizens; the Constitutive Act recognizes that the state has the

³⁹¹ Kristiana Powell, 'At Last, A Time to Talk', in *Mail & Guardian*, January 9-15, 2004

³⁹¹ Jean- Jacques, 'Union and the Responsibility to Protect', in Kristiana Powell (ed.), *The Africa Union's Emerging Peace and Security Regime: Opportunities and Challenges for delivering on the Responsibility to Protect*, ISS Monograph Series, no.119, May 2005, p.9

³⁹² S B Ibok, 'The OAU Mechanism for Conflict Prevention, Management and Resolution', www.dpmf.org, 1999

³⁹³ Kristiana Powell, *op.cit.* p.10

³⁹⁴ See Article 3 (b) of the AU's Constitutive Act, Lomé Togo, July 2000

core responsibility of protecting its citizens. If a state fails to meet these obligations, the AU has a right through multilateral military force to launch humanitarian intervention for purposes of human protection. Article 4 (h) provides that “the Union has a right to intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances: namely war crimes, genocide and crimes against humanity”³⁹⁵. In practical terms, however, humanitarian intervention for purposes of human protection by the AU and other partners involved in peacekeeping activities has been constrained by memorandums of understanding between an intervening external force and the host country, and largely by sovereign rights and territorial integrity of countries; while intervening forces in Burundi were sometimes faced with the need to intervene militarily in order to protect civilians that were under attack by the rebels, they were limited by memorandum of understanding signed prior to their deployment. Moreover, in Darfur, Sudan, hundreds of thousands of civilians have been massacred in the presence of a poorly under-equipped AU peacekeeping mission, while Khartoum has consistently refused the intervention of a well equipped UN force to protect innocent civilians.

The Constitutive Act of the African Union provides for the deployment of peace missions carried out in regard of the UN goals and principles. The AU’s central organ of the mechanism for conflict prevention, management and resolution currently the PSC, is charged with overseeing actions of states participating in peacekeeping operations under an AU mandate. However, the central organ lacks the institutional capacity to carry out the military aspects of AMIB’s mandate, which includes “the concept of operations, force generation, and command, control and communications”. In addition, the AU lacks sufficient financial and logistical supplies to authorize, monitor and sustain a peacekeeping mission³⁹⁶. While the central organ has been replaced with the PSC, which has (will have, that is, after the standby force has been established) structures to deal with security issues on the continent, much will not be done until the issue of insufficient resources is resolved, an effect which is likely to paralyze emergency operations faced by the institution and thus, render it ineffective.

³⁹⁵ *Ibid.*, Article 23 (2)

³⁹⁶ Vanessa Kent and Mark Malan, ‘Decisions, Decisions: South Africa’s Foray into Regional Peace Operations’, Occasional Paper 72, www.iss.co.za, 2003, p.5

After the dismal failure of the OAU in dealing with security issues, much optimism has been placed in its successor, the AU as an effective force for promoting peace on the continent. The AU protocols on an African peace and Security Council and a Pan African Parliament came into force in December 2003, and a few months later both institutions were inaugurated³⁹⁷. As argued above, this will largely depend on sufficient resources capable of undertaking effective operations and meeting administrative expenses. This will also depend on commitment of the African leaders to embrace democratic values and practices, which will be expressed by supporting policies of the PSC designed to address human rights abuses in affected countries.

The rationale for the establishment of the PSC emerged after the Heads of state and government and member states of the AU had expressed mutual concern about the endless armed conflicts in Africa and the fact that both intra and inter- conflicts have been a major source of, socio-economic decline on the continent, and suffering of the civilian population³⁹⁸. Further, rationale for its establishment was a realization that the development of meaningful democratic institutions, and the respect for human rights and the rule of law, as well as, the implementation of post-conflict reconstruction programs, are necessary requirements for promoting collective security, durable peace and stability, as well as for conflict prevention³⁹⁹.

The concept of an African Peace and Security Council (APSC) emerges as a positive development given that African heads of state and government have come to the realization that violence and conflict on the continent threatens to frustrate NEPAD and other vital programs designed for Africa's renewal. In 2003, the AU called for the cessation of hostilities on the continent by the end of the year by exerting enormous pressure on countries afflicted by armed conflicts⁴⁰⁰. However, it should be acknowledged that whether or not the APSC is in existence, as long as, there are no mechanisms to ensure equitable distribution of resources, 'conflicts of survival' will

³⁹⁷ Anne Hammerstad, 'SADC and the African Union's Evolving Security Architecture', in SA Yearbook of International Affairs, 2003/2004.

³⁹⁸ African Union, Protocol Relating to the Establishment of the Peace and Security Council of the African Union', www.african-union.org, 10 July 2002

³⁹⁹ H. Solomon and G. Swart, 'Defending African Unity: Can the Peace and Security Council of the African Union Succeed?', in Conflict Trends, no. 1, 2004, p.11

⁴⁰⁰ Beaugard Tramp, 'Conflict Resolution is Top of AU Agenda'. In The Star, July 8, 2003

remain. Remedies to this will go beyond the need to embrace democratic values, respect for human rights and the rule of law.

Pursuant to Article 5(2) of the Constitutive Act of the African Union, a Peace and Security Council (PSC) was established replacing the OAU's mechanism for conflict prevention, management and resolution. The Council is a standing decision-making Organ for the prevention, management and resolution of conflicts. The PSC is a collective security and early-warning system that aims to facilitate timely and efficient response to conflict and crisis situations in Africa. The Council shall be facilitated by the Commission, a Panel of the Wise, a Continental Early-Warning System, an African Standby Force and a special Fund⁴⁰¹. The new structure also includes a Military Staff Committee to advise and extend assistance in all issues around military and security necessary for the promotion and maintenance of peace and security in Africa⁴⁰².

The Peace and Security Council has been established to pursue the objectives that follow⁴⁰³:

1) Promote peace, security and stability in Africa, in order to guarantee the protection and preservation of life and property... 2) Anticipate and prevent conflicts. In circumstances where conflicts have occurred the PSC shall have the responsibility to undertake peace-making and peace-building functions for the resolutions of these conflicts; promote and implement peace-building and post-conflict reconstruction activities to consolidate peace and prevent the resurgence of violence; 3) Coordinate and harmonise continental efforts in the prevention and combating of international terrorism in all its aspects; 4) Develop a common defence policy for the Union, in accordance with article 4 (d) of the Constitutive Act; and 5) Promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of efforts for preventing conflicts.

⁴⁰¹ Protocol Relating to the Establishing of the Peace and Security Council of the African Union, Lusaka, Zambia, 9-11 July 2001, pp.1-5

⁴⁰² Jakkie Cilliers and Kathryn Sturman, 'Challenges Facing the AU's Peace and Security Council', in *African Security Review*, vol.13, no.1, 2004

⁴⁰³ AU Peace and Security Council Protocol, *op.cit.*, p.5

The PSC is guided by the principles enshrined in the Constitutive Act, the Charter of the United Nations and the Universal Declaration of Human Rights. Among others, the principles include⁴⁰⁴:

- 1) Peaceful settlement of disputes and conflicts; 2) Early responses to contain crisis situations so as to prevent them from developing into full-blown conflicts; 3) Respect for the rule of law, fundamental human rights and freedoms, the sanctity of human life and international humanitarian law; 4) Respect for sovereignty and territorial integrity of member states; 5) The right of the Union to intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, in accordance with article 4 (h) of the Constitutive Act; and 6) The right of member states to request intervention from the Union in order to restore peace and security, in accordance with article 4 (j) of the Constitutive Act.

Apparently, there is tension between paragraphs 4 and 5 of the principles guiding the PSC; for instance, what prohibits the AU from intervening in Zimbabwe to address the plight of civilians- considering that the PSC is guided by the UN Charter, which treats gross violation of human rights to constitute a threat to international peace and security? This is aggravated by the Darfur crisis, which has left, hundreds of thousands dead, and over two million civilians in a sorry state as refugees in neighbouring countries. Thus, given that peace enforcement by the AU with assistance from the UN has been blocked due to failure to secure consent from Khartoum, it implies that paragraph 4 remains sacred to AU members and, therefore, rendering paragraph 5 obsolete.

While objectives and principles of the PSC (when they are achieved) promise an African continent that will be built on a firm foundation, which will support economic development and thus, ensure improved living conditions of the African people, the onus is on individual African leaders to cultivate the will and commitment to put in place institutional structures, which will function to support and strengthen ideals of the PSC and other development programs like NEPAD. This could work better within the framework of regional blocs, while maintaining strong links with continent-wide initiatives.

⁴⁰⁴ *Ibid.*, pp5-6

The PSC is considered to be the key institution of the AU. It is composed of fifteen member countries, which are elected based on the principle of equal rights. Ten members are elected for a two year term, while five members elected for a three year term so as to allow for continuity. There are no permanent members and no member has veto powers, but requirements for membership of PSC do provide for participation of Africa's economic and military powers, such as, South Africa and Nigeria⁴⁰⁵. The PSC does not provide for regional or geographical representation on the Security Council, a criteria which is salient to guard against mismanagement in the functioning of the Council especially in peacekeeping missions or operations. This is likely to discredit the activities/functioning of the Council and thus, lose credibility in the African people. For instance, this may emerge when it fails to authorize an operation in a given country whose civilians are subjected to severe humanitarian conditions, but later authorizes another in a country whose population is not facing an imminent threat. This may be further affected by continual representation based on a member's economic and military resources- such a member is, in a sense, a permanent member- more likely to dominate or even abuse its powers.

The protocol establishing the PSC provides that a peace fund, which receives allocations from the AU budget will finance peace missions and other operations related to peace and security. Voluntary contributions can also be made from member states and other sources, such as, the private sector, civil society and individuals⁴⁰⁶. But most African states have financial shortages without the burden of contributing towards a standby force. As a result, Africa may turn to the wealthy nations to solicit for logistics and peace missions funding⁴⁰⁷. In effect, as Africa attempts to mobilize for financial and logistical resources from the wealthy nations, operations that require much quicker responses will be crippled. The 1994 Rwandan genocide epitomizes this argument. Funding from wealthy nations may have strings attached, conditions which, may affect the African agenda and, thereby, render 'African solutions to African problems' of no effect.

⁴⁰⁵ *Ibid.*, p.7

⁴⁰⁶ Peace and Security Council Protocol, *op.cit.*, pp.26-27

⁴⁰⁷ Wilson Johwa Bulawayo, 'An African Army, for Africans?', Inter Press Service, www.globalpolicy.org, July 2, 2004, p.2

In order to fulfil its mandate in promoting and maintaining peace, security and stability in Africa, the PSC shall liaise with the United Nations Security Council, a body that is charged with the primary responsibility of maintaining international peace and security. The PSC shall also liaise with other supportive UN Agencies in the fulfilment of its duties. Cooperation with the UN may include provision of necessary financial, logistical and military support in fulfilment of the AU's obligations to promote and maintain peace, security and stability in Africa within the context provided under Chapter VIII of the UN Charter on the role of regional organizations in the maintenance of international peace and security⁴⁰⁸. However, if African Union (PSC) is to make meaningful contributions in promoting peace and stability on the African continent, they should be willing and committed to shoulder much responsibility by meeting a bigger portion of the budget for operational activities. In other words, relationship with the UN should not be more inclined towards financial support but, rather, technical support given that the UN has broader experience in peace missions and operations.

The predecessor of the APSC, the central organ of the mechanism for conflict management and resolution authorized the African Mission in Burundi (AMIB) on April 2, 2003. The AMIB peacekeeping force was composed of troops from South Africa, Ethiopia and Mozambique. The mission, whose key task was to provide protection for the cantonment areas and technical assistance to the disarmament and demobilization process, was mandated to:⁴⁰⁹

- 1) Act as liaison between the parties;
- 2) Monitor and verify the implementation of the ceasefire agreement;
- 3) Facilitate the activities of the joint ceasefire commission (JCC) and the technical commission responsible for the establishment of a new national defence force and police force;
- 4) Facilitate safe passage for the parties (during planned movements to the designed assembly areas);
- 5) Secure identified assembly and disengagement areas;
- 6) Facilitate and provide technical assistance to disarmament, demobilization and reintegration (DDR) processes, and facilitate the delivery of humanitarian assistance;
- 7) Coordinate mission activities with the United

⁴⁰⁸ Peace and Security Council Protocol, op.cit. p.25

⁴⁰⁹ Henri Boshoff and Dara Francis, 'The AU Mission in Burundi: Technical and Operational Dimensions', in African Security Review, vol.12, no.3, 2003, pp.41-42

Nations' presence in Burundi; and 8) Provide VIP protection for designated returning leaders.

The military component was to be composed of infantry units for safeguarding the cantonment areas and assist in the DDR processes, and a protection and reaction force responsible for the protection of the VIPs and the headquarters, and rapid reaction. Provisions were also made for a maritime element, an aviation element and a support unit⁴¹⁰. The rules of engagement (ROE) were based on international law and the principle of self defence. The ROE were to focus on the protection of mission personnel as well as the equipment. The authority to revisit the ROE was to be vested in the head of the mission and the force commander but only after consulting with the mandating authority⁴¹¹. Although, AMIB had a broader mandate to execute in normalizing the security situation in Burundi and thus, support the peace process, there was no provision for securing civilian protection considering that at the time of their deployment the security situation was still tense and the FNL was not party to the peace process. This was compounded by the bureaucratic procedure in revisiting the ROE; this limits timely operation designed to save civilians under imminent threat.

Renewed fighting in Burundi coincided with AU Summit and clearly demonstrated the challenges faced by peacemaking. This provided Mbeki, the chairperson of the AU, with an opportunity to call for the adoption of the Peace and Security Council. Although, the Summit had eleven conflicts on its agenda with the most urgent being in Burundi and Liberia, only 17 of the 53 member states ratified the Peace and Security Council protocol, ten short of the required members to form the quorum. Mbeki hoped that the standby force will be in operation by the end of the year, an optimism not shared by everyone. He suggested that the force will be composed of "multidisciplinary civilian and military contingents in countries of origin that will be ready for rapid deployment whenever necessary, and an early warning system with its own funds"⁴¹². Perhaps the reluctance to ratify the PSC protocol exhibited by the African leaders, reveals the importance they attach to peace and stability on the

⁴¹⁰ *Ibid.*, p.42

⁴¹¹ *loc.cit*

⁴¹² Anonymous, 'Peacekeepers and Peers: Mbeki Finds Peacekeeping a Better than Dictating Democracy to Dictators', in *Africa Confidential*, vol. 44, no.15, 2003, pp.2-3

continent. It is not unreasonable to state that the leaders felt intimidated by the activities that the PSC was going to pursue since such activities were likely to tamper with their sovereign rights and territorial integrity.

However funding for the standby force that will enable the PSC to carry out its obligations is an issue that has raised much concern. Trans-continental peacekeeping operations have proven financially demanding and politically challenging, in which some have not met the demands placed on them. While the UN has often facilitated some operations, in most cases this has fallen short of the necessary demands of certain conflict situations. For example, the decision by the UN to send an 11, 000 strong peacekeeping force to the Democratic Republic of the Congo (DRC); considering that the DRC is almost a quarter the size of the United States, the size of the force was hardly adequate⁴¹³. This raises the importance of equipping and utilizing existing regional blocs like ECOWAS and SADC in peace missions, while efforts to establish the African standby force are ongoing. The two security arrangements are better placed to effectively undertake peace operations on the continent if they worked within a more coordinated and cooperative security system.

The perceived weakness of OAU was that it lacked both the will and the capacity to implement its decisions. Architects for the AU provided for a number of mechanisms to address this tradition, including the “groundbreaking” intervention clause of the AU Constitutive Act: Article 4 (h) and Article 23 (2) on sanctions. Theoretically, a Continental Early Warning System (CEWS) will be linked to “situation rooms” in each of Africa’s five regions in order to share information on impending conflicts with the PSC. In the event that preventive diplomacy either through the Chairperson of the Commission or the Panel of the Wise fail, immediate deployment of peacekeepers should be triggered by this system to stop or reduce the killing. Much work has been devoted to the creation of the African standby force, which will be composed of a brigade on standby for peacekeeping missions in each of Africa’s five regions, and complemented by observers, military police and civilian personnel on standby at a continental level. Traditionally, the African standby force would be deployed under a UN mandate, but the PSC can bypass this by authorizing the deployment of

⁴¹³ Wilson Johwa Bulawayo, *op.cit.*, p.1

peacekeepers within the context of a regional organization as provided under Chapter VIII of the UN Charter⁴¹⁴. However, it should be acknowledged that, what had paralysed the functioning of the OAU was not more to do with the lack of capacity to implement its decisions, but rather, the will of the African leaders; until mid-1990's a substantial number of countries on the continent were still undemocratic and/or had not fully embraced democratic practices and, hence, they found it difficult to support the activities of the OAU central organ (which was charged with managing conflict on the continent) in defence of such practices that were very often against human rights. In other words, they were afraid of 'compromising' their sovereignty in the event that the central organ intervened to address the apparent conflict.

The AU Heads of state have decided to build the capacity for the AU to intervene militarily in potential threats to peace and security in form of sub-regional building blocs. The aim is for each sub-region, as defined by the AU, to create a regional stand-by force, which will be used by the AU in case of need. Initially, the AU will rely on two sub-regions that have demonstrated greater military capability, that is, the Economic Community of West African States (ECOWAS) and SADC. "The determination with which the AU security architecture is being transformed from blueprint to functioning institutions is primarily a sign that key African actors, such as, South Africa and Nigeria have a strong interest in making the AU work"⁴¹⁵.

The AU Constitutive Act had initially provided for the right of the Union to intervene in a member state based on the decision of the Assembly in case of serious circumstances, such as, war crimes, genocide and crimes against humanity. However, the recent amendments of the Act introduce "a new ground of intervention by recognizing the rights of the AU to intervene upon the recommendation of the PSC when there is a serious threat to the legitimate order for the purpose of restoring peace and stability in a member state of the AU"⁴¹⁶. In the event that a given state is an accomplice or the perpetrator of crimes against civilians, the PSC should also recommend intervention, short of this, the PSC may be perceived to be inclined towards protecting state sovereignty at the expense of individual human rights. This

⁴¹⁴ Jakkie Cilliers and Kathryn Sturman, *op.cit.*, pp.97-98

⁴¹⁵ Anne Hammerstand, *op.cit.*, p.240

⁴¹⁶ Evarist Baimu and Kathryn Sturman,, 'Amendment to the African Union's Right to Intervene', in André Snyders (ed.), *African Security Review*, vol.12, no.2, 2003, p.41

will deter states bent on abusing human rights with impunity and, therefore, discourage a culture of dictatorship on the continent.

The APSC's credibility "will surely be eroded and in many instances has already been undermined by serious errors of judgment regarding nations" where conflict and violence have been left unabated. The Zimbabwean crisis demonstrates that not only does a country got to be at war to threaten regional peace and stability⁴¹⁷. In addition, the Zimbabwean situation illustrates that, not only, do civilians deaths and or severe human rights abuses only occur as a result of a country being at war. This raises the importance of having a well balanced membership of the APSC, which will respond to conflict situations in affected countries without any favour for or against a state. Moreover, this may call for arbitration by the UN Security Council as the primary body charged with maintaining international peace and stability.

Originally the AU Act providing for the right to intervene was informed by the desire to protect the individual by permitting intervention under serious conditions of human rights, including crimes against humanity, genocide and war crimes. The amendment of article 4 (h) "brings back the idea of protection of regimes and not individuals". In a sense, this undermines the desire to protect the rights of individuals against "infringements by the state"⁴¹⁸. Unless this is corrected and much caution taken, the AU or the PSC will, in essence, protect an unpopular regime(s) against the will of the people since a threat to the legitimate order may be motivated by unbearable practices against human rights that are perpetuated by the 'legitimate' order.

In February 2004, African heads of state signed a groundbreaking defence and security agreement that authorizes the AU to intervene militarily in civil wars, international conflicts and coup attempts across the continent. This agreement aims to prevent catastrophic experiences like the 1994 Rwandan genocide, in which more than 500, 000 people were brutally killed while the AU's predecessor the OAU was unable to intervene. The OAU was dissolved in 2002 because of its persistent ineffectiveness. However, due to shortage of funding, with "the African Union already \$ 40 million in debt, the joint force is unlikely to be established in the near

⁴¹⁷ Jean-Jacques Cornish, 'A Grim Picture of Africa', in Mail & Guardian, December 19, 2003

⁴¹⁸ Evarist Baimu and Kathryn Sturman, op.cit., p.44

future. According to Mozambican President Joaquim Chissano, the AU Chairperson, the agreement provided a framework through which the search for “collective answers to threats, whether internal or external” can be realised⁴¹⁹. Besides the much needed financial and logistical resources to enable timely and effective intervention and thereby, avoid situations like the 1994 Rwandan genocide, the need for an early warning system is of paramount importance. This is based on the fact that the Rwandan genocide did not erupt in an overnight, but was a gradual process, suggesting that, had there been a system to monitor and report developments which led to the genocide, the international community would have been more prepared to prevent such killings on a large scale.

Despite the impressive activities realized by the AU in the first half of 2004, it is still too early to project its effectiveness in dealing with the numerous security challenges on the continent⁴²⁰. Until when the AU achieves financial independence, which will permit prompt responses to severe conflict situations and enable extensive and effective peace operations as the one required in Darfur, its effectiveness in addressing conflict on the continent will certainly be compromised. For example, in spite of the apparent will by the AU to stop killings that are occurring in Darfur, the Union is financially and logistically crippled to implement its will and while efforts to cede the operation to the UN in order to secure peace have been met with serious opposition by the Sudan government.

Through NEPAD, African leaders commit themselves to “take joint” responsibility in promoting and supporting mechanisms for conflict prevention, management and resolution both at regional and continental levels, and to ensure that these mechanisms are used in restoring and maintaining security on the African continent⁴²¹. Unless NEPAD and other initiatives both at regional and continental level address key developmental challenges facing the African continent, efforts to restore and maintain security on the continent will be fruitless since undertaking such risky operations requires sufficient financial and logistical resources that are in short supply.

⁴¹⁹ Todd Pitman, ‘African Leaders Sign Common Security Plan’, www.globalpolicy.org, February 28, 2004

⁴²⁰ Anne Hammerstand, *op.cit.*, p.241

⁴²¹ ‘The New Partnership for Africa’s Development’, Abuja, Nigeria, October 2001, p.11

The AU and NEPAD must facilitate better coordination and network systems of peacekeeping capacities with the various regional blocs such as Ecowas, SADC, East African Community (EAC), the Common Market of Eastern and Southern Africa (COMESA)⁴²². This will “enable the UN to work with relevant regional organizations in reliable partnerships. The strengthened UN focus on peacekeeping allows the AU to seek support in expediting the establishment of the African standby force of peacekeepers for the continent”⁴²³. Inevitably, better coordination and network systems of peacekeeping with regional blocs, will ensure faster and effective responses to security concerns. However, such support is not dependent on the UN per se, but on its wealthy members and hence, realization of the African standby force must inevitably depend on the good will of its wealthy members.

6.3 Field Work Information: African Union Mission in Burundi

6.3.1 Mission objectives and challenges encountered

The AU mission in Burundi started operating under OAU in 1994 and became a bigger mission in 2003 after the signing of the ceasefire. The mandate of the AU, among other things, included promotion of peace in Burundi through peaceful means. This was mainly done by supporting Burundi’s peace process through negotiations. In addition, the AU mandate included monitoring and observing the implementation of the ceasefire agreement by the warring parties. This was done through the deployment of 2500 AU troops that were composed of contingents from SA, Ethiopia and Mozambique. In case of violation of, or any action by parties that undermined, the ceasefire agreement, troops reported to the AU special representative who then exerted pressure on the parties to the conflict with the help of the chief facilitator, Jacob Zuma. As a result of AU troop deployment (one month after deployment) the comprehensive ceasefire agreement was signed and former exile leaders were encouraged to return. This played the role of confidence-building. “Whatever Burundi has achieved has been a result of the seed that was sown by AU”. This effort has

⁴²² Venashri Pillay, ‘Reflections on the UN Secretary General’s Reform Report and Its Implications for Africa’s Peace and Security Agenda’, in *Conflict Trends*, no.2, 2005, p.39

⁴²³ *Ibid.*, pp.41-42

enabled the institution of a democratically elected government, and democracy is almost flourishing in Burundi.

Arguably, the deployment of AU troops, which was led by South African troops, and Zuma's diplomatic pressure, exerted considerable pressure on the warring parties and thereby, forcing them to sign a comprehensive ceasefire. Thus, diplomatic/political actions supported by military action- troop deployment, moved the peace process forward by enabling cessation of hostilities (at least officially), a move which created an atmosphere (confidence-building), consequently, leading to the return of Hutu exile leaders, which was one of the key factors that determined stability in Burundi.

To find the best approach to convince parties through confidence-building that the best way to deal with their differences was to enter into negotiations. This was compounded by the deeper distrust that existed among the parties. It was indeed difficult to reconcile Burundian warring parties after many decades of ethnic antagonism between Hutus and Tutsis. The Hutus, for instance, believed that the only way to accede to power that was dominated by Tutsis for over three decades, was to have control over the Tutsi dominated military, an institution, which backed those in power. Thus, according to this perspective, a military solution was the only option possible to bring about this change.

Financial resources to support peacekeeping activities was another key challenge faced by the African mission in Burundi. Perhaps, had the AU got sufficient funds, AMIB troops would have provided all the peacekeeping requirements in Burundi without need of reinforcement by UN. This poses a challenge to the realisation of the proposed African standby force that will be charged with peacekeeping on the continent. Thus, it was based on this challenge that the AU decided to play a minimal role- that of creating conditions suitable for the subsequent deployment of UN peacekeeping troops.

Political and diplomatic efforts were used as measures to address the challenges that were encountered by the AU. This was supported by a strong and deterministic attitude of some key members of AU to promote peace in Burundi. Resources were mobilized from the international community to support the AU mission. Indeed

diplomatic/political efforts played a key role in convincing the Burundian parties towards adopting a negotiated settlement to the civil conflict. The fact that at the time of deploying AU troops South African President, Thabo Mbeki was the chairperson of the AU, and together with Jacob Zuma's role as chief mediator of the Burundi peace process, indicates that South Africa played a crucial role in the AU's diplomatic/political endeavours to promote peace in Burundi.

Like the Regional Initiative for Peace in Burundi (RIPB) and the UN, the AU participated in all processes that aimed to promote peace in Burundi. The AU played the role of a guarantor to all peace deals and also helped in the follow-up exercise to ensure the implementation of agreements. While RIPB crucially played a political role, the AU provided technical support and consulted regularly with RIPB. The decision by the Central Organ stated clearly that the AU, which had a one year mandate, was deploying in Burundi while waiting for the UN to take over the peacekeeping mission. The UN could not deploy without a ceasefire agreement in place and, therefore, the AU had to deploy first to 'prepare the ground' for the subsequent deployment of the. Thus, in the search for peace in Burundi, the AU engaged with other stakeholders through dialogues, and sharing of information around technical matters and peacekeeping activities.

6.3.2 African Union and possibility in resolving Burundi's intractable civil conflict

Promote peaceful solutions to resolve conflicts through persuasion of belligerent parties; for instance, up to this day FNL is still persuaded to join the peace process. AU cannot launch peace enforcement in order to protect civilians unless there is a threat of genocide. Engaged with other stakeholders like the UN, and RIPB in attempts to seek for a solution to the conflict. While it is important to exhaust all peaceful avenues to resolve conflicts, it could be in the interest of durable peace to use coercive diplomacy like imposition of sanctions and sometimes engage in fighting to impose peace. It remains to be seen whether persistent diplomatic persuasion will produce a positive outcome by resolving the FNL issue and, therefore, route Burundi on the road to comprehensive peace. In another sense, as the 1994 Rwandan experience demonstrated, genocide is a planned activity, which begins on a small

scale and escalates as a result of a catalytic event. Thus, engaging in peace enforcement, that is, armed confrontation to prevent such heinous activity could be the best option to pursue.

6.3.3 UN traditional peacekeeping norms of engagement and peacekeeping in Burundi

AU has a responsibility of helping any African state, which is conflict stricken, however, observing the UN traditional peacekeeping norms sometimes hinders such effort, for example, while the UN refused to deploy peacekeepers without a comprehensive ceasefire between the GoB and the rebels, the AU had to deploy under the circumstances in an attempt to promote peace in Burundi. However, it should be acknowledged that without SA's initial deployment of its troops, which subsequently enabled the deployment of troops under AMIB that were led by SA, the African Union's efforts to undertake peace mission in Burundi would have faced much difficulty. Besides, the UN traditional peacekeeping norms cannot be observed while concurrently implementing the responsibility to protect, which has been occasioned by the post-Cold War world. Implying that, strict observance of the UN traditional peacekeeping norms, will inhibit efforts aimed at protecting civilians facing catastrophic circumstances or under imminent threat.

6.3.4 AU/External intervention and protection of civilians

External interveners should try and use peaceful means of resolving conflicts, such as, diplomatic negotiations and persuasion. Peace enforcement or fighting is not an appropriate approach to resolve a conflict since very often it only escalates the conflict. However, suitability of approaches to adopt in conflict situations should be determined by the nature of ongoing conflicts. For instance, you cannot decide to engage in diplomatic negotiations with a government that is busy cleansing a section of its population and not, rather, adopt a military option that aims to stop the killings.

In as long as you do not put your life at stake, the exercise of discretion to save civilians whose lives are at stake is permitted. A mission mandate should not be used as a pretext not to protect civilians whose lives are in danger. AU mission mandate

also allows for flexibility provided that the mission head/political authority is willing to assume responsibility for their actions. For example, there was an incident when the demobilized camps, which were under the protection of the AU troops were attacked and the AU responded by firing back. However, this submission contradicts with the respondents' views under chapter four. Implying that, either external troops are hesitant to intervene due to inadequate military hardware or simply because mission heads are unwilling to assume responsibility for their actions.

6.3.5 Prospects for the AU intervention in Africa's contemporary civil conflicts

Based on Burundi's civil conflict, the prospects for the AU intervention in Africa's contemporary civil conflicts are promising. However, for this to be solid, AU must always have the political will and must be supported by all member states. AU should not raise the issue of insufficient resources, though, it is a key factor to consider but should cultivate the will and determination to intervene in conflicts. The AU has also made tremendous progress in intervention in Africa's conflicts, e.g., Darfur, Sudan and DRC. This effort is based on the need to implement Chapter VIII of the UN Charter, which encourages regional initiatives to be at the fore in promoting regional peace. To the extent that one month after the deployment of the AU troops in Burundi enabled the signing of the comprehensive ceasefire, qualifies the argument above; although the AU did not have sophisticated weaponry, but the will to intervene posed a threat to the warring parties, who responded by cooperating to move the peace process forward. However, while it is crucial to have the will to intervene, it is important that sufficient resources in terms of financial and logistical be mobilised to effectively implement or enforce this will. The conflict in Darfur illustrates this argument; although the AU demonstrated the will to intervene, yet due insufficient financial and logistical resources, its actions have been crippled and killings of innocent civilians have gone on unabated.

Peacekeeping is still a new phenomenon to the AU, which is also a recently created body. Given sufficient resources the AU is in position to enhance peacekeeping in Africa. The AU has proposed setting up a standby force, though, it involves a long process to realize but given that there is the will to put in place a more comprehensive and effective framework to address conflicts on the continent, this goal will be

achieved. Activities of the AU have been reinforced by the peace and security framework. For instance, based on the framework, the AU has been able to intervene in a number of conflicts like Darfur, DRC and Ivory Coast. Although, the success registered particularly in the DRC and Ivory Coast in containing rebel activities cannot solely be attributed to the AU but also to the UN and the French government respectively, we can argue that through the new peace and security regime, the AU has been provided with functional structures to deal with security matters on the continent than its predecessor, the OAU.

6.4 Field Work Information: United Nations Mission in Burundi

United Nations peacekeepers were deployed in Burundi on June 1, 2004 under the authority of Resolution 1545 (2004). The resolution was, among other considerations, based on the realisation that there were still challenges undermining Burundi's stability and which constituted a threat to international peace and security in the region. The deployment which was coded United Nations Operation in Burundi (UNOB) had the authority to act under chapter VII of the Charter of the United Nations⁴²⁴.

6.4.1 Mission objectives and challenges encountered

To render assistance to Burundian authorities in order to achieve the objectives of the Arusha Peace and Reconciliation Agreement for Burundi, and carry out major reforms especially political, security, judicial reforms, and socio-economic reforms:

Political Reforms

The UN has been instrumental in helping to put in place institutions that are based on Arusha Agreement. This has been done through political advocacy, contacts and working on a day-day basis. The role of the UN has been supportive; the main actors are Burundians, Regional Initiative for Peace in Burundi and South Africa through Jacob Zuma as facilitator. The result of this effort was the adoption of the electoral law and a Constitution, which formed the basis for elections. The UN supported the

⁴²⁴ United Nations Security Council Resolution 1545 (2004), S/RES,1545 (2004), May 21, 2004

electoral process technically and helped in the provision and delivery of electoral materials.

Security Organs Reforms

The role of the UN was to help implement the formula that was designed to share power in security organs- the army, police and other security apparatuses. The UN also supported the demobilization, disarmament and reintegration (DDR) exercise, and the security sector reform (SSR), which led to the creation of a new army and police. The role was mainly effected through provision of technical assistance.

Judicial Reform

The UN has and still renders assistance to the government to put in place new judicial institutions and rehabilitate the judiciary. In addition, the UN is rendering assistance aimed at putting in place a Truth and Reconciliation Program.

Socio-economic reform

Under this, the UN has helped government to put in place new economic systems and helped to improve financial and economic performance of government through rendering technical assistance.

In addition, according to a military respondent the UN mission objectives included:

- 1) Ensuring respect of ceasefire agreements by monitoring their implementation and investigating their violations; 2) Promoting the re-establishment of confidence between the Burundian forces, and monitoring and providing security at pre-disarmament sites, collecting and securing weapons and military equipments to dispose of them as appropriate, and contribute to the dismantling of militias as provided for in the ceasefire agreements; 3) Monitoring the quoter of the armed forces of Burundi and their heavy weapons; 4) Monitoring the illegal flow of arms across national borders and lake Tanganyika; 5) Contribute towards creating a safe environment for the provision of humanitarian assistance, and to facilitate the voluntary return of refugees and Internally displaced persons; 6) Protect civilians under imminent threat of physical

violence; 7) Monitor Burundi's borders with special attention to refugees, as well as, to movements of combatants; and 8) To ensure the promotion and protection of human rights.

It can be reasonably said that UN mission objectives have been achieved; for example, 90 per cent of DDR and SSR have been implemented. Most parts of the country are peaceful except Nyanza, Kibitoke and Bujumbura rural. And owing to the technical assistance that the United Nations Office in Burundi provided, elections were successfully carried out. However, according to the military respondent, a number of military operations are still ongoing, for example, Monitoring Burundi's borders, with special attention to refugee-related problems, as well as, to the movements of combatants, and Monitoring the illegal flow of arms across the national borders and lake Tanganyika. According to the Burundian respondents, however, the UN did not exercise its mandate to protect civilians under imminent threat. This could be supported by the failure of the UN to deploy in areas like Bujumbura rural, which are prone to attacks by FNL, so as to protect vulnerable civilians.

Dealing with some Burundian politicians has been problematic; some elements have misunderstood, and at times expressed ignorance of, the mandate of the UN. Troops have sometimes operated in a hostile environment, and the FNL which has not accepted the idea of peace poses a real challenge to the UN. Thus, protecting civilians under imminent threat of physical violence has been a key challenge faced by the UN forces. Moreover re-establishing confidence and ensuring security in all parts of the country has not been an uneasy undertaking to realize. Since the argument that the UN ensured security in Burundi is contested by almost all Burundian respondents, we could argue that though effort by the UN did not meet the expectations of Burundians, it served (ensuring security) the purpose through show of force exhibited by the UN troops. Indeed, the presence of a third party force must have established confidence in the Burundians regarding stability in the security environment.

Implementing SSR and DDR; harmonization of the different military groups into a single army was met with much difficulty. Political negotiations leading to a clear plan of an integrated army was difficult to achieve. To the extent that the military or the army was the foundation upon which political power was based; the military

determined who was to govern in Burundi (i.e., like in many African countries without military backing in Burundi, it was impossible to accede to power), it was inevitable that efforts to change the composition of the army were to encounter with difficulty.

The UN had to realize that they were dealing with different partners with various agendas and with conflicting interests and, therefore, worked towards gaining their confidence and cooperating with them to establish modalities of dealing with the problems. For instance, in circumstances where the UN troops would not intervene, reliance on monitoring and reporting the incidents to authorities was implemented. Unless such reports were quickly processed and an appropriate response effected to deal with the issue on the ground, then depending on the sensitivity or urgency of the situation, such an approach was ineffective and compromised the security of the civilians under such circumstances.

In an effort to appeal to the different parties to implement SSR/DDR, the UN had to introduce educational programs and training of the security forces, and had to go through President Mkapa and Museveni to put pressure on President Ndayizeye to approve the new structure of the army. It was important to train the security forces especially those from the ranks of the rebels, who had less experience in military professionalism, in order to equip them discharge their duties commensurate to high ranking positions in the integrated army.

The UN has interacted closely with the AU right from the beginning of its engagement in the Burundi peace process, and has consulted regularly with various stakeholders whether at the headquarters' level or on the ground. Similarly, through various meetings as a supportive observer the UN has interacted and consulted with the Regional Initiative for Peace in Burundi (RIPB) and the chief facilitator of the Burundi peace process in an effort to promote peace in Burundi. For instance, before elections were held, a Constitution, Electoral law and Communal law were required and so whenever there was a political deadlock that threatened the due date of the elections, the UN asked RIPB to put pressure on government. UN briefed RIPB on technical challenges that were faced on the ground and through Summits RIPB made political decisions. The United Nations' interactive and consultative meetings with

other stakeholders involved in the Burundi peace process provided them with expertise and experience of the United Nations' many years in dealing with conflict.

6.4.2 United Nations and possibility in resolving Burundi's intractable civil conflict

There is need for flexibility; UN operations should be easily adaptable to suit each and every situation that presents itself since a given country is different from the others; closely cooperating with other international organizations/partners (Burundi has been a model of this cooperation); and the UN should provide more support to the African Union (AU) and should seek to develop common strategies in the resolution of conflict in Africa. It is true that flexibility is essential in dealing with various kinds of operations. For instance, the dynamics of the Burundian conflict are synonymous with the Rwandan conflict prior to the 1994 genocide and thus, based on such horrific experience, the UN should have intervened quickly in the Burundian case in order to save civilian lives.

The UN should authorize regional initiatives and individual countries to deal with such conflicts as they are better prepared militarily than the UN peacekeepers, who are not an army per se. In that regard, individual countries should be encouraged to intervene- a decision which is normally taken based on their national interests. In such instances, the UN could provide technical assistance as was the case through the RIPB. There is need for clear mandates from the UN Security Council that are backed with sufficient logistics and personnel (e.g., in Sierra Leone British intervention helped to stop killings, and also in Ivory Coast when the French took control of the buffer zone killings stopped). Besides being prepared, regional blocs and individual countries have better knowledge about countries in the same region in terms of both cultural dynamics, linguistic and terrain, key factors which are essential in determining success of any military operation. The UN could be helpful in providing financial and logistical support to facilitate such operations.

6.4.3 UN traditional peacekeeping norms of engagement and peacekeeping in Burundi

Although the question about how the UN traditional peacekeeping norms have constrained or facilitated UN desire to keep peace in Burundi was not explicitly answered by the respondents, it is apparent (in reference to the previous responses) that the UN traditional peacekeeping norms, indeed, had a bearing on limiting the actions or desire of the UN peacekeeping force to enforce peace in Burundi. For instance, by suggesting the need to be flexible in the previous question, implies that the UN peacekeepers could have acted contrary by not having to observe traditional peacekeeping norms, which remain cardinal to UN rules of engagement in any peacekeeping mission. How do you, for instance, observe traditional peacekeeping norms in the face of a party, such as, the FNL, which was neither a signatory to the ceasefire and nor consented to the deployment of UN peacekeeping force, which criteria are inevitable for the functioning of traditional peacekeeping?

6.4.4 United Nations intervention and protection of civilians

In a country where there is a government whether it is democratically elected or a transitional government, it is very difficult for any international military presence to assume fully the responsibilities of that government. This is because any government that has got a reasonable control over its own territory will not allow a peacekeeping mission or military operation to assume fully the responsibility of its own security organs. This raises the issue of sovereignty, dignity and pride in claiming to have the capacity to deal with the security situation. “The UN mandate in Burundi has never been to do any thing on behalf of government”, civilians were to be protected but only with the support of government. Chapter VII only applies for purposes of self-defence and protection of civilians under imminent threat, but there is no right to use force unless such criteria are met and/or it is inevitable to do so. However, according to the Burundian respondents, even with chapter VII mandate, the UN was unable to exercise the mandate to protect civilians who were caught up in severe circumstances, to the extent that, some claimed that the UN forces had to flee from their positions to escape fighting that was launched by the FNL in Bujumbura, which left over 200 civilians dead. This could be validated since this was the headquarters of the UN

forces in Burundi and the fact that serious fighting went on for a week. Could the UN failure to intervene had been caused by lack of adequate military hardware? If this is answered in the affirmative, then we can argue that the UN decision for a chapter VII mandate in Burundi was mere rhetoric since such a mandate required sufficient logistics to be implemented.

UN forces could not fight the FNL rebels based on chapter VII mandate; according to the army the primary responsibility of fighting rebellion and the FNL belongs to the Burundian army. The resolution that was adopted by the Security Council took into consideration the will, capacity and the desire of the government to fight the rebellion, which the government claimed to possess. The UN has neither mandate nor capacity, and has never planned, to fight the FNL. Besides, this is not an objective of peacekeeping, the UN forces are supposed only to complement and supplement whatever exists and provide support to the Burundian army provided that the army demands such support and is willing to cooperate. In the words of another respondent, “both the political will from the UN Security Council and the country in question determine whether or not the UN exercises Chapter VII mandate to protect civilians whose lives are at stake”. In case of Burundi, this was lacking because government claimed to have total responsibility of maintaining security in the country. What the UN is doing is simply monitoring human rights violations by government forces and reporting to the Burundian government and New York for action to be taken. Thus, it was difficult to intervene in such a case. Intervention also depends on the political will/decision of individual countries participating in a given mission area- they could ask their troops not to fight. In addition, the quality of troops on the ground (i.e., whether or not they have the capacity- logistics necessary to intervene), determines intervention.

According to the preceding argument, if implementation of the UN chapter VII mandate has to be partly determined by the host government, then the mandate loses its primary purpose of protecting civilians under imminent threat (a responsibility that the host government is unable to fulfil, which is, in fact, the basis of designing such a mandate), and also in that regard, the Security Council loses credibility since it cannot exercise its primary responsibility of maintaining international peace and stability at will.

In response to why the UN forces cannot deploy in areas inhabited by the FNL in order to protect civilians, a respondent said that it was not within the mandate of the UN forces to engage with the FNL, the UN forces can intervene to protect civilians only in case of an attack happening near its positions. To the extent that chapter VII mandate is primarily designed to protect civilians under imminent threat, then it was clearly within such a mandate to deploy in potential areas where civilians lives were at stake, and not necessarily that they were going to engage in an offensive with the FNL. Eastern Congo, where the UN forces have engaged with the rebels supports this argument.

The current resolution mandating this mission, which is a Chapter VII mandate, allows the exercise of discretion in an attempt to protect civilians. Therefore, in case of an imminent threat against civilians in areas where UN forces are deployed, effort is made to protect such civilians. It is, however, difficult to ensure civilian protection at all times and in all places given the troop number and logistical capacity of the current UN mission. In my view, such a mandate extends to provide for civilian protection regardless of their proximity to the UN peacekeepers, short of this, makes peacekeeping, in this sense, peace enforcement lose its rationale. This is premised on the argument that the peacekeeping force may (in most cases this has been the practice) deploy in areas whose chances of being attacked by belligerent forces are slim and, thereby, leave civilians exposed to attacks.

6.4.5 Prospects for the UN intervention in Africa's contemporary civil conflicts

Provided that UN missions are given capacity through Security Council resolutions, it is possible to enforce peace. For instance, compare the UN mission in Kosovo with thousands of troops and sufficient equipments with the Burundi mission, it is impossible to enforce peace in the latter, let alone, the very late deployment of the peacekeepers in 2004 when in fact the peace process started in 1998. While in Congo they were deployed in 1999, serious peace enforcement started only a year ago (2005) when UN deployed troops from Pakistan, India and South Africa with the capacity to fight. This suggests that the UN intervention in contemporary civil conflicts rests on the good will of rich nations as this, not only, determines the promptness of its

intervention, but the level of support in terms of financial and logistical that the UN receives to implement the decisions of the Security Council.

Asked why UN does not immediately intervene in a given conflict but rather chooses to come later after people have died, a respondent argued that unless there is a rapid reaction force or a standby force in place, it is impossible for immediate UN intervention because a UN resolution authorizing the intervention must first be passed and thereafter member countries are solicited to contribute troops to the mission, which takes a duration of up to 3 months. However, it should be acknowledged that the urgency of intervention depends on a number of factors, key among them being, how much attachment powerful nations especially those on the Security Council place on a given conflict. In reality, this is when a conflict relates closely to their national and strategic interests.

According to a respondent, prospects for UN intervention in Africa were better during the Cold War than they are in the post-Cold War era; when the two superpowers agreed on something they shared responsibility, but now that there is a sole superpower, many countries are deliberately left on their own and thus, creating a high incidence of conflicts. Prospects could improve only when the Security Council members are increased to include Africa such that critical decisions are made in favour of Africa's interests. On the contrary, it can be argued that there are increased chances of members of the Security Council reaching agreement in the post-Cold War period. This is based on the fact that the demise of the Cold-War ended ideological clashes, which very often paralysed decisions of the Security Council to intervene in conflicts that threatened international peace and security. The issue is that the Cold-War has not provided strategic interests to attract stronger commitment from wealthy nations toward resolving conflicts on the African continent.

6.5 Field Work Information: Perspectives of Field Experts Specializing on Conflict in the Great Lakes Region

6.5.1 External intervention and strategies to resolve intractable civil conflicts

There is need for a far reaching holistic approach towards peacemaking and peace building that involves not only the military in peacekeeping and the question of political negotiations but also very importantly, the question of political machinery especially in a deeply divided society like Burundi. For example, in an effort to address differences among South African parties, SA had the Bureau of rights looking at minority rights. Burundi could as well consider establishing an Independent Commission to take on complaints of one group against another by looking at international arbitration in that particular question. In addition, looking at constitutional engineering where people would not look at themselves as Tutsis, Hutus or Twas but as Burundians is of paramount importance.

Despite the fact that there is progress on the ground, when considering a deeply factionalized society like that of Burundi, sustainable peace means a sustainable effort by the international community. For instance, when there are elections, the international community needs to stay engaged for as long as it is necessary. Also financial assistance is necessary to support developmental activities. To the extent that many participate in conflicts as a means of survival especially the youth, who are promised a better life by politicians after capturing state power, developmental assistance aimed at providing economic activities will go a long way by engaging them in productive ventures and thereby, avoid temptations aimed at destabilising their country.

There is little international willingness to intervene in a small country like Burundi unless the crisis is of a bigger magnitude. Attention is placed on countries like Afghanistan, Iraq, Iran- where does Africa fit on their priority list? Citizens of a country must play a much bigger role. It always looks like the international community is imposing human rights to societies while citizens can do a better job. However, the Burundi conflict should not be reduced to a small conflict not to have attracted quicker response from the international community. For instance, hundreds

of thousand of people are considered to have been killed following the assassination of the first democratically elected Hutu President.

The international community should not simply intervene to stop the conflict but address the root causes of the conflict. All parties to a conflict must be part of the peace process lest you will not move forward. Moreover, there is need to build politically inclusive solutions. For example, in the past, the problem was that government excluded all Hutus and now Tutsis are claiming to be excluded. This raises concern in the internationally backed Arusha agreement, which provided for power sharing between the ethnic groups to a five term office of the newly elected officials; considering that political power has been at the core of the Burundi civil conflict, a government of national unity (involving all ethnic groups) would have been the most appropriate strategy to adopt, at least, for a reasonable period of time until the question of national unity is addressed.

The region where the conflict is situated must take the lead in addressing the conflict and then the African Union must also take ownership since it is an “African thing”, and the UN could come in later if necessary. While it is important that regions should take the lead in addressing conflict, it is appropriate that such commitment should be determined by the nature of an ongoing conflict. Some conflicts require strong mandate with adequate resources in terms of finances, personnel and military logistics to be addressed more effectively, which resources can readily be met by an organisation like the UN. The Darfur crisis presents a clear case in point; the AU troops have failed to address the conflict due to inadequate sources.

In conflicts like the one in Burundi, there is always need for a UN Security Council resolution to authorize intervention, though, this is not easy because one or more members of the Security Council might veto the decision. Alternatively, it is appropriate to send an African mission like one in Darfur with a strong mandate, which is supported by adequate military resources to give the peace process a chance. In an event that the decision is not vetoed based on the need to protect civilians facing catastrophic circumstances, what should constitute such an intervention in case the government is unable to ensure the protection of civilians or is itself an accomplice to the atrocities? The case of Darfur, where the Khartoum government is giving support

to Janjaweed militias to decimate black Sudanese is illustrative in that case. Since, according to the UN Security Council gross human rights abuses constitute a threat to international peace and security, this should provide firm ground on which the Council (a body charged with the responsibility to maintain international peace and security) should take action with a view to enforce peace by pursuing negative forces regardless of whether or not the country in question consents to such an action.

6.5.2 Third party intervention and resolving the Burundi civil conflict

A lot of interest in Burundi was a direct result of the guilt the international community felt for not having prevented the genocide in Rwanda. The international community took a simplistic picture that if Rwanda could have genocide then Burundi was next, not realizing that this was quite a different situation because to commit genocide you have to control state apparatus, which in Rwanda the Hutus had. Therefore, if you do not have control over the state apparatus you cannot carry out a proper genocide, you could only carry out ethnic massacres. Although, the extensive killings that occurred in Burundi at various periods did not match one in Rwanda, they by definition amounted to genocides, which as it was in Rwanda, did not attract the attention of the international community to prevent them. It should be acknowledged that the international community only intervened in Burundi from the year 2000 after major killings had stopped.

The international community was unwilling to intervene before signing of the ceasefire. South Africa had to come in and pave the way for AU and thereafter exerted pressure on the international community to intervene. Because there was no genocide or massive killings occurring, the international community “waited to see how the process moved”, however, before the UN assumed the mission, the international community supported SA and AU in the attempt to address the conflict. Considering that the international community intervened later without a comprehensive ceasefire and when there was no mass killings occurring, implies that their earlier refusal to intervene was not based on the absence of genocide occurring. Perhaps this had to do more with bureaucratic procedures governing peacekeeping missions and lack of will by Security Council permanent members.

Burundians played a minimal role in the peace process, the process was dominated by foreigners. Both Nyerere and Mandela were too powerful as facilitators; Burundian parties were not negotiating with one another they were only trying to “befriend” the facilitator to the extent that if Nyerere/Mandela sided with a given party then the other side was wrong. The peace process should have been controlled by the Burundian parties themselves but the problem was that parties never developed a feeling that the process belonged to them. They only came because they had been invited by facilitators, they were reluctant and they could not expect that something positive could emerge. Thus, the weakness was that there was too much international involvement and too little Burundian involvement and no population involvement at all. In a way, Burundians were forced to negotiate before they were ready to do so and that cannot necessarily produce good results. Sometimes deadlines set for completion of certain tasks by the international community were unrealistic, it is important that the right moment be determined. It was unhealthy for the international community to hijack the Burundi peace process without creating an atmosphere for Burundian parties to own the peace process, and involving the Burundian population through civil society. Perhaps this was responsible for the refusal of some parties not to sign the Arusha peace agreement and others keeping away from the process. Such practice as a result blocks popular efforts that are crucial in the implementation of the peace agreement.

After signing the Arusha peace agreement, Mandela with the help of the international community created an environment where exile Hutu leaders came back home to participate in the Interim government. 300 SA troops had to provide their security as they had no trust in the Burundian army. Although, this effort did not lead to a complete end of the conflict, it was a positive step towards resolving the conflict since it was a confidence-building gesture to the Burundian population considering that the Burundian government was willing to negotiate with the former exile politicians and permit their participation in the transitional government.

The Regional Initiative for Peace in Burundi played a consistent role from the beginning but they eventually became more important than the parties to the conflict; whenever people wanted to know the right thing to do, they would consult the Initiative and not the parties. Every time the parties could not agree over something,

the Initiative imposed their opinion on them- the Initiative became like a judge. Whenever the Burundians could not succeed in negotiating a compromise, the Initiative decided. For example, while discussing the new Constitution, the parties negotiated without success then the Regional Initiative, SA (Thabo Mbeki and Zuma), Museveni and Kagame “asked parties to accept the Constitution whether they liked it or not”. Now you have a Constitution rejected by every Tutsi party who have lost the election. While it is important sometimes to propose (through use of carrots and sticks) to warring parties specific courses of action to take in order to save negotiations from collapsing, it is crucial that extra caution be made not to impose your will on the parties especially if such course of action has important implications on the future of the parties and their constituencies. For instance, imposition of a Constitution on parties after failure to reach consensus does not promise stability in the future since that may create a ground for future conflict.

There was no coordinated effort among international players. What was problematic was that it was a reactive international response- it occurred after conflict had erupted whereas if you want to be effective you have to be pre-emptive. Moreover, international players had different agendas as should we or not back this plan, are there prospects of peace or not. International community only came on board when it looked like the peace process was going to be successful, until then they were speaking with different voices. Although, OAU was ineffective, AU has not done much either; unlike where they are in Darfur, which is the size of France, Burundi is a tiny country- it is an area where you can have a very quick impact because it is a small country but AU does not feature very much. AU needs to use smaller countries like Burundi and build a recipe for success.

6.5.3 UN traditional peacekeeping norms of engagement and peacekeeping in Burundi

There is no standard approach to apply in a given conflict situation: look at the situation and ask what it requires to resolve it in a way which is durable and not have a quick-fix solution. In the international community the emphasis is increasingly becoming end the violence and not the conflict. While UN traditional peacekeeping norms should be applied generally, they should be amended depending on the

prevailing situation on the ground. In case there is an imminent threat against civilian lives, UN traditional peacekeeping norms should be flexible enough to allow intervention of foreign forces. For instance, the emphasis of a ceasefire and not resolving the root cause of the conflict led to the 1994 Rwandan genocide. In another sense, UN traditional peacekeeping norms should give way to the responsibility to protect by allowing the international community to intervene in order to protect civilians faced with catastrophic circumstances.

Observing traditional peacekeeping was problematic considering that the FNL were playing the role of a spoiler by fighting while other players were negotiating. Who takes a decision of Chapter 6 role becoming chapter 7 role?: there is need of some expedited mechanisms to allow either a very quick UN Security Council process or the commander on the ground to make a call- there is a problem of dealing with the military and the political. While other aspects of a mission/operation could fall under Chapter 6 and others under Chapter 7 but the UN peacekeeping says it is either Chapter 6 or Chapter 7. To the extent that the FNL was not party to the ceasefire and nor did the rebel group consent to the deployment of external forces, it was impossible to observe UN traditional peacekeeping under such conditions. By implication, therefore, UN deployment in Burundi meant an operation designed to enforcement peace and not one to keep peace.

There is need to be more proactive in terms of peacekeeping because once the conflict has erupted, it is very difficult to resolve. There is need of a functional early warning system as it points to tension developing then preventive diplomacy can be employed. Peacekeeping is not about preventing renewed hostilities that are hindering peace. In the case of Burundi, what needed to happen just quickly as forces were being deployed is that the political mechanisms whether from New York, Pretoria, Addis Ababa or from other regional capitals were supposed to be working in concert but this was not happening. Peacekeepers alone cannot maintain peace unless there is progress occurring politically. This means that to have a better chance of promoting peace, there must be coordinative effort among the parties involved in the peace process to ensure that military/peacekeeping operations and diplomatic/political mechanisms complement each other. This subjects warring parties to considerable pressure, which pushes them to adopt a negotiated settlement to the conflict.

To sum it up, in an effort to promote a pacific solution to address Burundi's civil conflict, which was contrary to a military solution that was proposed by the Regional Initiative for peace in Burundi, SA had to mobilize for support in member states of the Initiative. In order to strengthen and expand SA's peacekeeping role, SA had to merge into AMIB. The mission, whose mandate was initially restricted to providing protection for the former exile Hutu leaders, was expanded under AMIB to include, inter alia, monitoring and verifying the implementation of the ceasefire agreement; facilitating safe passage for the parties (during planned movements to the designed assembly areas); securing identified assembly and disengagement areas; and facilitating and providing technical assistance to disarmament. Moreover, SA engaged with the UN in an attempt to render impetus to the peace process by providing necessary financial resources and political support for the Burundi peace mission, and assuming the mission by taking over from the African mission. Thus, SA's role as the lead nation in both AMIB and UNOB peacekeeping missions plus provision of guidance to the Regional Initiative for Peace in Burundi, were crucial in significantly moving the peace process forward. The next chapter will provide the general conclusion of important findings of the research.

CHAPTER 7:

CONCLUSION

This chapter presents a concise form of salient findings of the research, which are based on the objectives and justification of the study. The chapter also revisits the theoretical perspectives used to frame the research, makes a suggestion of recommendations, and areas of possible further investigation.

7.1 Findings of the Study

The Burundi conflict is not directly caused by ethnic diversity, but it is because of political purposes that ethnic differences were exploited, thereby, making ethnic diversity an ingredient in generating conflict. In an attempt to control power by excluding other ethnic groups, the Tutsi-Hima from the south used ethnic identity as a tool of exploitation. On the other hand, the excluded political groups (from state resources) mobilised ethnic solidarities to challenge the regime in power. Therefore, ethnic diversity emerged as a tool for political struggles in pursuit of economic advantages. Thus, in an attempt to capture and/or defend/maintain political power, ethnically motivated killings and the past exclusionary policies and a history of massacres were manipulated. What can be drawn from the above arguments is that, not only, did exclusion based on ethnic background create strong ethnic consciousness, a resource that highly motivated conflict, but also the strong link between political power and economic benefits significantly influenced the civil conflict; conflict was waged in order to end political alienation and therefore ensure economic survival.

Like ethnicity, regionalism is a tool that has been manipulated for seeking rent. Ethnicity and regionalism complement each other to shape rent collection and sharing, none of the factors can explain violence exclusively. Thus, both ethnicity and regionalism are linked to conflicts insofar as they are dimensions on which power and resources have been premised and monopolized.

The Hutu-Tutsi animosity came as a result of such factors as colonialism, modernisation, the traumatic experience in the Rwandan Hutu rebellion and repressive and discriminatory post-colonial policies. Belgian policies had an overwhelming impact on both the social and political system and were responsible for igniting the Hutu-Tutsi conflict. Attempts by the Belgians to structure the traditional administrative system served to entrench the Tutsi dominance. Colonial policies elevated the social status of both Tutsis and Hutus, and coupled with the seeds of domination that were sown by colonialists, animosity was created among Hutus and hence, acted as resources in the post-colonial conflict. Once ethnic differences in Burundi had been manipulated as symbols of superiority versus inferiority, they were used as weapons in later conflicts.

Among other effects of colonialism is the creation of ethnocide (mass killings engineered by ethnicity), which has occurred at every stage of political transition. From 1960s, the period in which the country got its independence, the Hutu and Tutsi ethnic groups have been afflicted by massive violence. These killings have occurred within the context of power struggles, but are in fact fuelled by ethnic prejudice. Thus, in conformity to this argument, the Burundi conflict is sustained by the struggles between rival politicians for state power by manipulating ethnicity in order to mobilize their followers.

Colonialism was responsible for divisive policies and unfair class stratification, key factors that created ethnic antagonism among Burundian groups and, as a result, significantly influenced violent conflict in post-colonial Burundi. However, this does not rule out, the fact that, post-colonial leaders have had a role to play in creating conflict among Burundians. This has been expressed through greed for power- have manipulated colonial legacy in pursuit of their personal ends.

Thus, the root of Burundi's civil conflict lies in the struggle for power by which rival politicians manipulate ethnicity and the past injustices, which are rooted in colonial policies of divide and rule, as tools in an attempt to gain economic advantage. Exclusionary policies based on regionalism are key ingredients in this struggle.

In light of SA's national interests and foreign policy on Africa, SA's motivation in addressing Burundi's civil conflict is informed by its recent history in negotiating a peaceful transition to democracy based on its own approach of resolving conflict and vision of sustainable development. Moreover, this was done within broader efforts designed to resolve conflict on the continent and promote its development through visions, such as, the African Renaissance and NEPAD. This was also to ensure regional peace and stability in order to create an environment within which trade and development will thrive, and prevent devastating effects of conflicts in the neighbourhood. In addition, SA was motivated by humanitarian grounds and the need to pursue the moral and material interests of its people by engaging in the search for peace throughout the entire continent. Further, the understanding that the future of South Africa is inextricably bound up with what happens in the rest of Africa informed SA's motivation in intervening to resolve the Burundi civil conflict.

In an effort to reconcile and manage differences in approach to deal with Burundi's civil conflict, which had called for an armed solution (raised by member countries of the Regional Initiative for peace in Burundi) by deploying a regional force to strengthen AMIB, SA insisted on a diplomatic solution by warning of the repercussions of using a military solution, and mobilized for support in the other regional countries so as to back a peaceful solution to address the conflict.

In order to bolster its troops and therefore expand operations designed to promote peace in Burundi, SA had to merge into AMIB. The mission, whose mandate was initially restricted to provide protection to the former exile Hutu leaders, was expanded under the AMIB to include, inter alia, monitor and verify the implementation of the ceasefire agreement; facilitate the activities of the joint ceasefire commission (JCC) and the technical commission responsible for the establishment of a new national defence force and police force; facilitate safe passage for the parties (during planned movements to the designed assembly areas); secure identified assembly and disengagement areas; and facilitate and provide technical assistance to disarmament. Further, SA's involvement with the UN in the search for peace in Burundi was meant to render impetus to the peace process by, providing necessary resources and political support for the Burundi peace mission, and assuming the mission by taking over from the African mission.

SA's troop deployment meant to provide protection for the former Hutu exile politicians encouraged them to participate in negotiations and the transitional government, which increased chances of success of the peace process. The presence of SA troops also instilled a sense of security in the civilians by acting as a neutral force. This brought an end to Hutu mobilization for conflict, which was motivated by intimidation and threats by the Burundian army. However, SA did not do much in peacekeeping under the UN due to insufficient military equipments. Civilians continued to be killed in the presence of SA troops; they did not intervene to protect them, even though, under the UN their role extended to include civilian protection, and protection of ex-combatants in areas of reassembling and demobilization.

SA's diplomatic efforts helped to achieve 50/50 per cent split in the army between Hutus and Tutsis, and a transitional government based on a power sharing quota system (60 per cent Hutus and 40 per cent Tutsis) in both cabinet and parliament, issues which had been strongly contested by warring parties. South Africa's approach in engaging with the international community in an attempt to seek for support for the Burundi peace process, and with Burundi's neighbouring countries that were involved in the search for peace in Burundi, notwithstanding, several supportive meetings (to the efforts of the regional initiative for peace in Burundi) held in SA with the warring parties, combined to move the peace process forward. South African diplomats, however, misread the Burundi conflict to be almost similar to apartheid South Africa, where they thought Hutus lived in separate areas from Tutsis, which was not true. In addition, SA's technical teams were not so helpful; they lacked a clear understanding of the issues under negotiation.

Although, intensive diplomatic efforts under the facilitation of former President Nelson Mandela culminated in the Arusha Peace and Reconciliation Agreement for Burundi, the agreement was only signed by some political parties and others refused to sign while others refused to attend on the occasion of the signing of the Agreement, and the rebel movements were excluded. Thus, the Arusha peace process failed to attain consensus in addressing Burundi's contentious issues. The Agreement also provided for a Constitution that was unilaterally imposed on Burundians by the Regional Initiative for peace in Burundi and SA, and yet it had been rejected by all Tutsi parties. Limitations in the Constitution around power sharing emerged after the

2005 elections as parties questioned the basis for cabinet appointments- power sharing. This is not conducive for comprehensive peace as it is a mere shift from violent to non-violent conflict.

Involvement of the public in the negotiations through civil society organizations was expected from third parties (South Africa), which they did not do. By failing to involve the public in the peace process, denied popular ownership of the peace process (the Arusha Agreement in particular), a condition which is essential to ensure popular participation in the implementation of the Agreement, and consequently, produce durable peace.

Whenever there was a deadlock in the ceasefire negotiations, the intervention of SA diplomats was important in striking a compromise between Burundian warring parties. Moreover, with the help of SA diplomats, the government of Burundi and the main rebel movement, CNDD-FDD were able to reach agreement on the implementation of the ceasefire agreement they had signed in Arusha, Tanzania on December 2, 2002. In addition, through the mediation efforts of SA diplomats, on entry into government Burundi's main rebel leader, Pierre Nkurunziza signed a new peace accord with President Domitien Ndayizeye in an effort to end a decade of civil war that had killed 300,000 people. However, since the second main rebel group, the FNL has refused to stop fighting comprehensive peace may prove elusive.

While SA 's diplomatic/political intervention (by former President Nelson Mandela) in Burundi produced positive results, e.g., the Arusha peace and reconciliation agreement, a formula from which, political and military power sharing were effected, its peace mission was unable to launch military intervention for civilian protection in spite of the fact that under the UN mission, SA had a Chapter seven mandate to protect civilians under imminent threat. According to the military informants, this was constrained by the Memorandum of Understanding between the government of Burundi and SA/SANDF and insufficient military hardware. However, SA had to rely on the cooperative effort, i.e., diplomatic/political intervention and financial resources by the Regional Initiative for Peace in Burundi, AU/AMIB, UN plus other influential nations/Organisations of the world e.g., United States of America and the European Union in an effort to route Burundi on the road to enduring peace.

Despite the fact that the ceasefire agreement between the GoB and the FDD rebels was concluded before Article 4(h) of the Constitutive Act of the AU (which calls for intervention in grave circumstances, e.g., genocide) went into force in July 2002, it did not disempower the AU from dispensing its duties to promote peace and maintain peace within the context provided Chapter VIII of the UN Charter on the role of regional organizations in the maintenance of international peace and security⁴²⁵, and in line with the guidelines enshrined in the Universal Declaration of Human Rights.

If third parties had not intervened, lots of people would have continued to die, and others displaced as long as issues of concern between parties were not addressed. Had third parties not intervened things would have gone out of hand and we would have had another Rwanda because both warring parties were determined to fight on. However, third party intervention was only enormous on the diplomatic and political front and not on the military front; were helpful in facilitating negotiations, which addressed key issues, e.g., power sharing, which were a major source of conflict. As far as, military intervention is concerned, third parties contribution was insignificant; even though, they intervened after mass killings had been carried out, they failed to prevent civilian killings that were still being perpetrated by warring parties.

UN traditional peacekeeping norms cannot be observed while concurrently implementing the responsibility to protect, which has been occasioned by the post-Cold War world, in which human rights have gained wider recognition, and international norms of sovereignty and non-intervention redefined. Thus, strict observance of the UN traditional peacekeeping norms inhibit efforts aimed at protecting civilians facing catastrophic circumstances or under imminent threats.

Political will from the UN Security Council and the country in question determine whether or not the UN exercises Chapter VII mandate to protect civilians whose lives are at stake. In case of Burundi, this was lacking because government claimed to have total responsibility of maintaining security in the country and thus, it was difficult to intervene. Intervention also depends on the political will/decision of individual countries participating in a given mission area- they could ask their troops not to fight.

⁴²⁵ Peace and Security Council Protocol, op.cit. p.25

In addition, the quality of troops on the ground, i.e., whether or not they have the capacity- logistics necessary to intervene, determines intervention.

7.2 Perspectives on Conflict Resolution Revisited

This sub-section attempts to revisit key aspects of the theories used to frame the current research with a view to establish the applicability of the theories in the efforts to resolve Burundi's civil conflict.

The perspective that conflict resolution is more effective when done in concert, and that greater chances of success depend on a number of conciliators available to the belligerent parties and a number of friends capable of coordinating their good offices and pressure, is demonstrated in the efforts of member countries of the Regional Initiative for Peace in Burundi, whereby, in spite of the fact that, regional countries acted through the 'umbrella' of the Initiative, they at times, individually pursued individual initiatives aimed to resolve the Burundi conflict. This strategy was further elaborated by Mandela's quest to mobilise key influential members of the international community including the United Nations. However, for this perspective to hold, the need for wealthy conciliators is of paramount importance. This is premised on the fact that these possess the resources capable of exercising carrots and sticks that are often more likely to determine positive outcomes in negotiation.

The rational-actor model in terms of cost-benefit calculations enables the understanding of motives in the desire to promote peace. According to this perspective, mediators in a given conflict are driven by an interest in its outcome, otherwise, they would not find it attractive to mediate. Testing this perspective on South Africa's motive in addressing Burundi's civil conflict rationalizes the perspective: South Africa has a major stake in helping to resolve the Burundi conflict. Though, this is "not simply humanitarian", it is "most certainly that too"⁴²⁶. However, this is informed by the need for South Africa to pursue the moral and material interests of its people by engaging in the search for peace throughout the entire continent.⁴²⁷ The perspective, however, limits analysis of mediators' motives in

⁴²⁶ Kristina A. Bentley & Roger Southall, *op.cit.*, p.2

⁴²⁷ *Ibid.*, pp.2-3

pursuit of conflict resolution by suggesting that the desire to promote peace should be seen within the realm of power politics. For instance, South Africa's motive in its attempts to address Burundi's civil conflict points to social and economic realms.

Mediators use three modes to appeal to interests of all conflicting parties in an attempt to reach a mutually acceptable outcome of the conflict. They include communication, formulation, and manipulation respectively. The second mode of mediation requires the mediator to be a party to the substance of the negotiations. A conflict may not only break down communication between the parties, but may totally prevent them from reaching a negotiated settlement to the conflict, in this case, the parties need a mediator as formulator. Formulas provide the key to an acceptable outcome of a conflict; they facilitate common understanding of the problem and its remedy or a shared belief system of justice to determine an outcome. Therefore, the mediator as a formulator often needs to persuade the parties, as well as, to suggest remedies to their differences. Since persuasion involves power, it therefore requires greater commitment than merely communication. In case of Burundi, however, practice departed from theory; although, the formula that was designed by Mandela to share political and military power largely seemed fair, a number of Burundian parties rejected it whereas others approved it reluctantly. Thus, the formula failed to facilitate common understanding of the Burundi conflict and a shared belief system of justice to determine power sharing.

While theoretically, in mediation the third party possesses control over the process and not the outcome of the discussion, and that the mediator only helps belligerents in resolving the conflict but does not possess the power to impose a settlement, in practice, however, as the Arusha peace process demonstrated, mediators, the Regional Initiative for Peace in Burundi and Mandela possessed control over the process and the outcome of the talks. For instance, the Arusha peace and reconciliation agreement for Burundi was reluctantly signed by the Burundian parties while others refused to sign the Agreement and others boycotted the exercise. Moreover, the mediators unilaterally imposed a Constitution (which was produced by the Arusha Agreement) on Burundians and yet it had been rejected by all Tutsi parties. Thus, the belligerent parties had no control over both the process and the outcome of the negotiations.

Some of the most important work takes place during the pre-negotiation phase of resolving a conflict. It is during this phase that when key parties to the conflict are identified and invited to participate, that critical issues are raised and prioritized to constitute an agenda, and that a formula which is to form the basis of the general agreement is designed. In line with this perspective, South African diplomatic approach of arranging separate talks with different belligerent parties prior to negotiation of key elements in the peace process, or talks after stalled negotiations like the Heads of state Summit in Dar es Salaam⁴²⁸ that sought to address power sharing, produced positive results by addressing irreconcilable interests held by the parties.

The views of potential spoilers of an agreement must be accommodated in order to render a successful negotiated agreement. Reaching an agreement is determined by the number of parties to a negotiation. Only if the relevant parties and interests are included in a negotiation is the agreement reached likely to hold. Perhaps the realization by SA mediators, Mandela and Zuma, that without involving the key warring parties, FDD and FNL, in the post-Arusha peace agreement negotiations it would be difficult to implement the Arusha agreement, affirms this perspective. It was imperative to bring on board the armed movements that had not participated in the Arusha process, without whom, it was difficult if not impossible to resolve the Burundi civil conflict. However, the perspective is contradicted regarding the importance attached to the number and relevance of parties to a negotiation as key resources/conditions determining the success of negotiation. By failing to involve some of the key stakeholders, FDD and FNL in the Arusha peace process for Burundi, the facilitators of the Burundi peace process omitted relevant parties whose interests were paramount in determining the success of the agreement and thus, comprehensive peace in Burundi.

Parties are fully in control when they are responsible for decision making rather than surrender decision making wholly to an adjudicator. This applies in cases where they negotiate without assistance or are helped by a neutral third party in the form of a facilitator, a mediator or an arbitrator in non-binding arbitration. In each of these

⁴²⁸ Henri Boshoff and Jean Marie Gasana, *op.cit.*, 24 Nov. 2003

cases, the responsibility to make the final decision lies with the conflicting parties. Facilitation is where the third party suggests the procedures to be followed in negotiation, while mediations is where the third party takes a more active role in brokering the negotiations, and non-binding arbitration is where the third party suggests a solution for their consideration. However, in practical terms the difference between these roles is not clear-cut, notably, between facilitation and mediation. Often a facilitator looks for consensus ... But a facilitated process should not aim at consensus ... The goal of facilitation should not be to reach agreement but to improve communication and increase understanding. In the case of Burundi peace process, all the roles were interchangeably used to the extent that, not only, did third parties suggest the adoption of a Constitution that was produced by the Arusha Agreement, but imposed it on them. Moreover, given the reluctance and refusal by many of the Burundian parties to sign the Arusha peace and reconciliation agreement for Burundi, suggests that the goal of facilitation in the Arusha peace process for Burundi was to reach agreement, rather than improve communication and increase understanding to enable the belligerent parties to reach agreement without pressure.

In order to resolve conflicts in society, much emphasis should be put on satisfying human needs. In other words, achieving a harmonious society is conditioned by needs-satisfaction. Problem-solving at any social level extending to interactions between states- can be fruitful only, when individual needs are taken as the basis of analysis and planning. Meeting individual human needs facilitates an individual to function as an efficient unit within a social system, without which no social organization can exist harmoniously. Thus, the link between needs satisfaction and social harmony suggests three things, first, that if basic human needs are met, then conflicts are inevitably rooted out. Conflicts emerge due to systematic frustration and prevention of certain individual needs. Second, once analysis and planning are based on needs, it will be much easier to identify and deal with conflict. Thirdly, though, a variant of the second interpretation, it is argued that every conflict carries within itself an aspect of need satisfaction. Conflict breaks out as a failure to recognize certain needs of a particular group or though recognized, have been frustrated or unsatisfactorily fulfilled. Once the needs at hand are identified and legitimately recognized to require fulfilment, the course for conflict resolution is mapped out. The link between social harmony and needs satisfaction makes much sense to the Burundi

civil conflict, which is “largely considered a fight for good jobs, ... and economic advantage”⁴²⁹. Since access to these needs is associated with those in power or those with political connections⁴³⁰, majority of whom were Tutsis, thus it is fair to say that the civil conflict in Burundi that was launched by the Hutus was linked to the desire to correct this imbalance and thereby satisfy basic needs. Moreover, systematic frustration reflected in the “tradition of ethnic exclusion in politics contributed to ethnic polarization” and thus, confirms the link between social harmony and needs satisfaction in the case of Burundi.

Africa’s conflicts cannot be attributed exclusively to ethnicity or external forces as this limits the understanding of the complexity of the conflicts. According to this perspective, the use of a combination of factors ought to be used in order to understand Africa’s intractable conflicts. The Burundi civil conflict epitomizes this thinking. As the current research reveals, a number of factors combine together to explain the conflict in Burundi. For instance, one cannot argue that the conflict was exclusively caused by ethnic animosity between Hutus and Tutsis, but it was rather rooted in the desire to capture and/or preserve political power by manipulating ethnicity, regionalism, colonial legacy, and the history of the origin of Burundi as a nation.

The rationale for intervention for human protection is based on the need to protect civilians facing major catastrophes when the state in question is either unable or unwilling to bring the situation to an end, or is itself involved in perpetuating the situation. It is also based on the need to contain an internal situation that constitutes a threat to international peace and security. Also intervention is informed by a broad spectrum of international legal instruments and principles such as fundamental natural law principles; the human rights provisions of the UN Charter; the Universal Declaration of Human Rights and Additional Protocols on international humanitarian law, and many others. Although, atrocities that were committed during the civil conflict in Burundi clearly fulfilled conditions necessary to launch humanitarian intervention for civilian protection, this was not done and as a result the conflict

⁴²⁹ Gérard Prunier, *op.cit.*, p.27

⁴³⁰ Léonce Ndikumana, *op.cit.*, p.432

claimed hundreds of thousands of lives. Even when the AU and later the UN intervened, civilians continued to die in the face of the ‘peacekeepers’ due to lack of a clearly mandated peace enforcement mission.

7.3 Recommendations

In order to allow for successful implementation of the Arusha Agreement there is need for the participation of all Burundians in the peace process. Thus, there is need to unpack and rediscuss key parts of the agreement, e.g., the question of justice/impunity, by involving all Burundians. This will ensure that all Burundians own the peace process and, therefore, enable smooth and popular implementation of the agreement, which will establish the country on a solid foundation of peace.

Moreover, there is need to revisit the Arusha agreement in order to create a culture that will promote peaceful change of government. This will include, addressing the issue of political power whereby parties will not develop a feeling of alienation, as it is the case now; Tutsi parties have questioned the basis for their exclusion from the cabinet, which was formed after the October 2005 elections. Given that the key driving force behind Burundi’s civil conflict centres around power, there is need to ensure that effective and fair mechanisms (in the eyes of all the parties) of power sharing are put in place in order to build permanent peace in Burundi. Power sharing should, however, be a long-term initiative until Burundians have embraced, a national identity i.e., see themselves as Burundians and not in terms of Hutu-Tutsi ethnic groups, and a democratic culture. For instance, the recent coup plot demonstrates the salience of inclusiveness in power sharing by all parties across ethnic and ideological lines; former President Ndayizeye has been arrested together with others thought to have plotted a coup against President Nkurunziza’s government in August 2006⁴³¹. According to BBC News, arrests included Aleen Mugaravabona, leader of FNL-Chanzo, a faction that split from the main FNL rebel movement, and the former vice-President Alphose-Marie Kadege, who is a Tutsi⁴³².

⁴³¹ Peter Ndolo, ‘SABC-Africa News’, Reported on Thursday, October 5, 2006, 08h00.

⁴³² BBC News in Video and Audio, Reported on Wednesday, August 2, 2006, 07:44 GMT

Although, the current Constitution was passed through a referendum, it was not generally accepted by Tutsis and was influenced by the Arusha peace process. A new Constitution that will encourage the participation of all Burundians should be made in order to provide a solid ground for peace-building in Burundi. The question of justice should be dealt with decisively in order to bring to an end the culture of impunity, and a Commission of Truth and Reconciliation should be set up in order for people to know what happened and forgive. This will ensure that mass killings based on revenge, which have occurred periodically in Burundi, are prevented from ever reoccurring.

In an effort to address the FNL issue, there is need for cooperation among neighbouring countries, and support from the international community, which support should ensure that alliances of the FNL with negative forces in Congo, such as, the Mai Mai and former Rwandan militias and soldiers come to an end by cutting off their supplies and support base, and also support initiatives aimed at convincing the FNL to start serious negotiations with government. Countries of the region should cooperate to promote regional peace because peace in Burundi depends on the prevailing regional environment.

If Burundi is to have long-lasting peace and reconciliation, the country should revisit its violent history and bring to justice those responsible for committing atrocities against Burundians. Thus for peace and justice to be a reality in Burundi, the question of impunity must be given greater consideration⁴³³. However, in order for retribution to bear positive results, it should be pursued within the context of truth and reconciliatory justice system so as to prevent an administrative crisis, which could degenerate into violent conflict. This argument is premised on the fact that many members of the current government of Burundi, including the FNL, who have recently signed a comprehensive peace agreement with the government of Burundi, and many others in the previous governments are either directly responsible or accomplices to the atrocities which have occurred in Burundi.

⁴³³ Joseph Topangu, 'Post-Election Prospects for Burundi', in Journal of African Elections, vol. 4, no.1, 2005

The post-election government with the assistance of the international community should revisit the implementation of Protocol IV of the Arusha peace accords, which provides for the key and immediate priorities for the reconstruction and development of the new Burundian state, and which priorities will determine the sustenance of the current peace. For example, attention and resources must focus on human development to avoid slipping back into a “conflict trap”. Thus, the needs of the most vulnerable and those with potential to spoil the peace should be addressed. Since access to land is the key issue facing post-conflict Burundi with more than 90 percent of the population dependent on land for their livelihood, challenges to land access must be addressed to avoid land related conflict. Moreover, lasting peace is impossible as long as, the problem of refugees and ‘senistrés’ is not definitively resolved, and the country’s wealth is not shared equitably. Further, the Burundian society that has been plagued by decades of conflict demands political reconstruction in form of reform of the judiciary, advancement of women, democratization of institutions, and support for the legislature, civil society and the media⁴³⁴.

In addition, the international community should support Burundi’s economic recovery and reconstruction in order to provide opportunities for the youth to engage in productive activities and, hence, avoid the temptation of joining rebel activities as a means of survival. Because of the devastation to the economy that was left by over a decade long civil war, unemployment especially in the youth is alarming and thus, there is urgent international support to rebuild the economy as a measure to prevent the vulnerable youth from engaging in destructive activities.

There is need to introduce education for peace programs with a view to sensitize people to get rid of ethnicism, and promote national identity- people should be seen as Burundians and not in terms of Tutsis or Hutus. This initiative would include extensive and nation-wide public information system designed to correct the past distortions in Burundi’s history of its people, which partly share blame for ethnic antagonism in Burundi. It is through this conscious effort that the key concern (the ethnic question) of the FNL can be addressed.

⁴³⁴ Mariam Bibi Jooma, ‘We Can’t Eat the Constitution: Transformation and the Socio-Economic Reconstruction of Burundi’, in ISS Paper no.106, May 2005, pp.1-16

In order for peacemaking efforts to bear positive results, there must be comprehensive efforts to identify and strengthen structures which will consolidate peace and promote confidence and a better life for the people. These, among others, include repatriation of refugees, providing training for security personnel, supporting efforts to protect human rights, reforming state institutions and encouraging political participation through formal and informal processes⁴³⁵. These efforts could be implemented along with identifying the root causes of conflict among Burundian groups by engaging the Burundian public in the process. It is based upon this information that realistic and effective conflict resolution instruments can be established to address the root causes of the conflict.

Although, the joining of the FNL in the peace process by signing a comprehensive peace agreement with the government of President Nkurunziza on September 7, 2006 in Dar-es-Salaam, Tanzania, falls outside the timeframe of this research, it is nonetheless worth noting, as this gesture has increased chances of success in reaching long-lasting peace in Burundi. However, by granting provisional immunity for members of the FNL⁴³⁶, is a loophole in the agreement that may undermine the peace process and thus inhibit durable peace in Burundi. This is because by waiving immunity from the FNL will be practicing 'one-sided justice' over a section of Burundians and yet many politically and military affiliated Burundians have committed heinous crimes against the Burundian people. Thus, under the present climate, it is politically and socially appropriate to tread on the path of truth and reconciliation.

As long as it is evident that the host country is unable to provide security to all its citizens, the UN Security Council should go ahead and discharge Chapter VII mandate whether or not the host country is willing to consent to such an action. This should be based on the responsibility to protect civilians under imminent threat, and

⁴³⁵ Boutros Boutros-Ghali, 'An Agenda for Peace: Preventive Diplomacy, Peacemaking and peace-keeping', Report of the Secretary General to the Security Council, United Nations, New York, 1992

⁴³⁶ AllAfrica Global Media, 'Burundi: Country to Sign Peace Deal This Week', <http://allafrica.com>, September 5, 2006

such action should fall within the Council's responsibility to maintain international peace and security. However, this requires a strong mandate, which is sufficiently backed by logistics and stipulates clearly the will of the Council in order to enable effective implementation of the Council's decision. This will also demand that countries contributing troops to the UN, surrender their will to the UN in determining whether or not their troops should enforce peace. This will ensure that the UN is not paralyzed in the course of executing its decisions.

The Burundi civil conflict demonstrates an urgent need for an early warning system, which can identify potentially precarious situations/indicators that demand urgent action in terms of diplomatic/political and military intervention in order to address them timeously and thereby, prevent mass killings of civilians. This is premised on the fact that hundreds of thousands of Burundians were massacred under mysterious circumstances that were unable to attract immediate intervention by the international community.

7.4 Areas of Possible Further Investigation

There is need to explore the extensive role that was played by Burundi's neighbouring countries under the Regional Initiative for Peace in Burundi. To the extent that their role started far back in 1998, will help in unveiling the impact of diplomatic/political actions by the Initiative in shaping and influencing the Burundi peace process; Investigating the applicability of South Africa's model of conflict resolution, which is based on its experience in addressing the pre-1994 conflict in resolving Burundi's intractable civil conflict, will go a long way in drawing important lessons of relevance that will inform Africa's international relations;

An investigation into the coordinative efforts of the various parties that were involved in the search for peace in Burundi will unveil important information crucial in harmonizing and strengthening efforts designed to promote peace in intractable conflicts. Such information could be helpful in cutting down costs in terms of resources and the timeframe for peace negotiations, and could also check on unnecessary clashes/differences between stakeholders involved in helping to promote peace; and

Inquiring into efforts of internal third parties, such as, civil society organizations and the elite could reveal important information that such groups can play in concert with the support of external third parties in addressing civil conflicts. This is based on the fact that these groups have a better knowledge of the issues confronting warring parties.

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APPENDIX I: INTERVIEW GUIDE

SA Officials

Name:

Position/Profession:

Organization/Department:

1. Why is Burundi considered of any importance to you given that it is geographically distant from SA?
2. Where does Burundi fit in your national interests and foreign policy on Africa?
3. What motivated you in strongly joining the Burundi peace process given that there were already other key players involved in the process?
4. How did you go about reconciling differences between you and other key parties (e.g., the Regional Initiative for Burundi) in an attempt to resolve the Burundi civil conflict?
5. Considering SA's economic and military potential, why did you opt to involve the AU and later the UN in peacekeeping in Burundi?
6. How did SA diplomats/negotiators manage the Burundi peace process in partnership with the Regional Initiative for Burundi, AU and the UN?
7. In what ways is SA's polarized society during the transition to democracy relate to the Burundian warring parties or society?
8. How does SA's past experience in negotiating a successful transition to democracy help in bringing the Burundian warring parties towards a negotiated settlement?
9. SA's 'conflict resolution approach' is considered to have played a significant role in helping the Burundi belligerent parties reach agreement on a number of contentious issues. What is the premise of this approach and how was it applied in Burundi's conflict situation?
10. What do you consider to be the key lessons learned by SA officials in the attempt to resolve Burundi's intractable conflict?

Burundian Officials

1. What role does ethnicity play in fueling the civil conflict in Burundi?
2. Is regionalism a component of the civil conflict in Burundi? Explain Briefly
3. How has economic and political exclusion perpetuated conflict in the Burundian communities?
4. Colonial legacy is thought to be a factor explaining conflict among the Burundian people, do you agree with the statement? Explain briefly
5. In your view what do you consider to be the root cause of the Burundi civil conflict?
6. The Arusha Peace and Reconciliation Agreement for Burundi is seen to be a vehicle for addressing Burundi's civil conflict, do you agree with this? Explain briefly
7. Do you think if third parties (external actors) had not intervened in Burundi, the civil conflict would have escalated and thereby causing massive population displacements and alarming deaths? Explain briefly
8. In what ways has SA's diplomatic mediation specially benefited the Burundi peace process?
9. How has SA's peacekeepers helped to keep peace in Burundi?
10. What were your expectations of the role of third party Interveners (South Africa's peace mission) in particular?
11. In your opinion, what needs to be done to ensure comprehensive peace in Burundi?

Burundi Peacekeeping Mission/SA Operational Commanders

1. What are your mission objectives and to what extent have you achieved them?
2. What are the key challenges that you have encountered in pursuing your mission objectives?
3. How have you addressed such challenges?
4. How much support or cooperation have you received from the Government of Burundi and other belligerent parties in the course of pursuing your mission objectives?
5. In what ways have you engaged with other external parties, involved in the search for peace in Burundi, in an attempt to achieve your mission objectives?
6. In your opinion, do you think that this mission is worthwhile undertaking? Explain briefly
7. In your view, what do you think efforts of external parties should involve in order to successfully respond to the Burundi conflict or a similar conflict situation?
8. How has UN traditional peacekeeping norms of engagement constrained or facilitated your actions or desire to keep peace in Burundi?
9. In your opinion, what do you think should be done by external interveners in order to protect civilians facing catastrophic circumstances in an intractable conflict like the one in Burundi?
10. Does your mandate allow you to exercise your discretion in order to save civilians whose lives are at stake? Explain briefly

United Nations Officials in Burundi

1. What are your mission objectives and to what extent have you achieved them?
2. What are the key challenges that you have encountered in pursuing your mission objectives?
3. How have you addressed such challenges?
4. In what ways have you engaged with other external parties (AU mission in Burundi and the Regional Initiative for Peace in Burundi), involved in addressing Burundi's civil conflict, in an attempt to achieve your mission objectives?
5. In your view, what do you think efforts of the UN should involve in order to successfully respond to Burundi's civil conflict or a similar conflict situation?
6. How has UN traditional peacekeeping norms of engagement constrained or facilitated your actions or desire to keep peace in Burundi?
7. In your opinion, what do you think should be done by the UN in order to protect civilians facing catastrophic circumstances in an intractable conflict like the one in Burundi?
8. Does your mandate allow you to exercise your discretion in order to save civilians whose lives are at stake? Explain briefly
9. According to your own assessment, what do you consider to be the prospects for the UN intervention in Africa's contemporary civil conflicts?
10. Given the current international dispensation (post-cold war era), what are the prospects for the UN intervention in Africa's contemporary civil conflicts?

African Union Officials in Burundi

1. What are your mission objectives and to what extent have you achieved them?
2. What are the key challenges that you have encountered in pursuing your mission objectives?
3. How have you addressed such challenges?
4. In what ways have you engaged with other external parties (UN mission in Burundi and the Regional Initiative for Peace in Burundi), involved in addressing Burundi's civil conflict, in an attempt to achieve your mission objectives?
5. In your view, what do you think efforts of the AU should involve in order to successfully respond to Burundi's civil conflict or a similar conflict situation?
6. How has UN traditional peacekeeping norms of engagement constrained or facilitated your actions or desire to keep peace in Burundi?
7. In your opinion, what do you think should be done by the AU in order to protect civilians facing catastrophic circumstances in an intractable conflict like the one in Burundi?
8. Does your mandate allow you to exercise your discretion in order to save civilians whose lives are at stake? Explain briefly
9. According to your own assessment, what do you consider to be the prospects for the AU intervention in Africa's contemporary civil conflicts?
10. Based on the experience of the African Mission in Burundi, how do you assess the AU's peace and security framework set up to respond to armed instability on the continent?

Field Experts specializing on Conflict in the Great Lakes Region

1. How is the Burundi conflict related to the broader conflicts in the Great Lakes Region?
2. What do you consider to be the international/regional implications of Burundi's civil conflict?
3. How is ethnic extremism/solidarity, as a dimension of the Burundi civil conflict, a potential threat to regional/international peace and security?
4. Based on your experience, what do you think lies at the root of Burundi's intractable civil conflict?
5. Do you think that strict observance of the UN traditional peacekeeping norms in a conflict as that of Burundi is feasible? Explain
6. Do you think that Burundi is at the dawn of enduring peace, given the Arusha peace and reconciliation agreement for Burundi and other key agreements (e.g., Protocol on Political, Defense and Security Power sharing in Burundi) reached in Pretoria by the Burundian Government and the key former rebel group (FDD)?
7. In light of contemporary intractable African civil conflicts like the one in Burundi, what do you consider to be the appropriate actions/strategies that the international community should adopt in order to address them?
8. In your opinion, what do you think are the likely repercussions of the Arusha Peace and Reconciliation Agreement for Burundi that was not signed by the two main rebel groups (FDD and FNL) and was also not approved by a number of smaller parties?
9. What do you consider to be the underlying challenges of Burundi's civil conflict that need to be addressed in order for the country to be routed on the road to peace?
10. Given the devastating nature of Burundi's civil conflict on the civilian population and neighboring countries, how do you assess the international response that has attempted to contain the situation?

APPENDIX II: LIST OF KEY INFORMANTS INTERVIEWED

Burundian Officials:

Interview with:

Philippe Nzobonariba, Secretary General of Government, January 4, 2006;

Etienne Kana, former rebel leader (PARAMEHUTU), January 5, 2006;

Ambassador Celestin Niyongabo, Director General Ministry of External Relations and Cooperation, January 5, 2006;

Sinunguruza Terence, former Foreign Affairs Minister, January 9, 2006;

Colonel Léonidas Nijimbere, Commission of Demobilisation and Reintegration, January 10, 2006;

Prof. Julien Nimubona, University of Burundi, January 10, 2006;

Appolinaire Ngahungu, Journalist and former Presidential interpreter, January 11, 2006;

Dr Christopher Sebudandi, President, Observatory of governmental actions, January 12, 2006;

Gérard Hakizimana, Assistant Mayor, Bujumbura city, January 12, 2006;

Lambert Ntahimpera, Vice-President, FNL-Incanzo, January 17, 2006;

Pierre Buyoya, former President of the Republic of Burundi, January 19, 2006;

General Silas Ntigurirwa, former FDD Commander, January 23, 2006

SA Operational Commanders

Interview with:

Colonel Clinton Sandmann, December 16, 2005;

Captain H. Van Rynerld, December 20, 2005;

Captain Xapa Charles, December 21, 2005;

Lt. Colonel Mafheda Robson, January 6, 2006

UN Officials in Burundi

Interview with:

Ambassador Nureldin Satti, UN Deputy Special Representative of the Secretary General, December 20, 2006;

Pierre Bardoux, Political officer, January 17, 2006;

Brigadier General Boucheba Boucheba, Deputy Force commander, UN peacekeepers, January 19, 2006.

AU Officials in Burundi

Interview with:

Ambassador Mamadou Bah Thierno Gobihi, Special Representative of the Commission of the African Union, December 21, 2006;

Falmata Liman, Political Officer, January 4, 2006

Field Experts specializing on Conflict in the Great Lakes Region

Interview with:

Prof. Solomon Hussein, Director, Unit for African Studies, Center for International Political Studies, Pretoria University, March 23, 2006

Jan Van Eck, Expert, ISS, Pretoria, March 29, 2006

Henri Boshoff, Expert, Military Analyst, ISS, May 02, 2006

APPENDIX III: Map of Burundi



Source: Lonely Planet

