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CAN NATIONAL DIALOGUE BREAK THE POWER OF TERROR IN BURUNDI?

Report on the impact of the international conference National Dialogue held in Bujumbura on May 15–18, 1994 on Burundian efforts to restore democratic process in the country
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by

Zdenek Cervenka and Colin Legum
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BURUNDI
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The Road to National Dialogue in Burundi

The international conference National Dialogue held in Bujumbura between May 15-18, 1994 was a follow up of a Geneva symposium on Restoration of Peace and the Process of Democracy in Burundi which took place between 10-12 December 1993. The credit for the initiative for the Geneva meeting goes to the then Burundi Ambassador to Sweden, Emmanuel Rwamibango, who approached a group who had participated in the Bujumbura conference on National Unity, Reconciliation, Human Rights and Democracy, held in April 1993. The group, consisting of Zdenek Cervenka, Filip Reytjens, Colin Legum and Mathias Hitimana, formed a preparatory committee which organized the first international response to the attempted military coup in Burundi on October 21. According to estimates made by the International Commission of Enquiry in the violation of human rights in Burundi published on July 5, 1994, 50,000 people died in the violence which was triggered off by the coup. The idea of the conference was supported by Kristina Svensson, Member Swedish Parliament, who was among the first of the European politicians to condemn the coup in Burundi. Ambassador Emmanuel Rwamibango and the Preparatory Committee asked the Nordic governments for funds, and the Scandinavian Institute of African Studies in Uppsala was invited to participate and administer the grant.

The Geneva conference was the first meeting between the Tutsis and Hutus after the attempted coup and represented a small step towards a national dialogue in Burundi. Its final document called for a similar dialogue to be held in Burundi. The director of the Scandinavian Institute of African Studies, Lennart Wohlgemuth, undertook the task of securing political and financial support for a proposed National Dialogue initiated by the Nordic governments, and agreed to hold the conference under his institute’s auspices. Financial contributions to the conference were received from the governments of Belgium, Denmark, Norway and Sweden.

Maria Leissner of the Swedish Liberal Party joined the preparatory committee of Zdenek Cervenka, Filip Reytjens and Colin Legum, and became a very active member. The preparatory committee co-operated closely with Ambassador Rwamibango who acted as a liaison with Bujumbura. In February 1994, Maria Leissner and Ambassador Rwamibango travelled to Burundi where they secured the co-operation of the Special Representative of the UN Secretary General, Ambassador Ould Abdallah, who agreed to co-sponsor the meeting. He undertook responsibility for local arrangements. His untiring diplomatic efforts resulted in the participation of more than 120 Burundians from all walks of life. The National Dialogue, originally planned for April, was postponed until May due to the eruption of violence in Bujumbura in March. Apart from the statement by the Minister of Security, Léonard Nyangoma, who told the BBC that the situation was “catastrophic”, the decision to postpone the conference was also influenced by scaring reports in the Swedish paper, Svenska Dagbladet.

The objectives of the National Dialogue were described in the programme as follows:

To provide a forum for a discussion on crucial issues facing the Burundian society—peace, security and confidence-building measures to attain protection of human rights, strengthening of democracy, reconciliation and co-existence, national unity and restoration of confidence in the institutions of the Government.

The main themes of the conference were:

Confidence-building measures leading to stability and strengthening of democracy, national security concerns, the restoration of confidence in the institutions of government, ways and means of promoting human rights, the protection of minorities and national unity, and the role of the international community in support of democracy in Burundi.

However, the discussions during the five sessions of the conference largely focused on the following hotly debated issues in Burundi: the origins of the current crisis, the role of the army, the impunity of the perpetrators of crimes against humanity, the way out of the crisis, and the role of the international community. Accordingly, these were the issues on which the conference concentrated its discussions.

The National Dialogue was attended by an average of 180 people a day. On the day when the role of the army was debated, more than 200 people attended. The conference was opened by the Prime Minister, Anatole Kanyenkiko, who subsequently attended most of its sessions together with a number of his cabinet ministers. This was the first occasion on which ministers, senior army officers, opposition leaders and academics, as well as international representatives, met together in an open forum—a fact of considerable importance in developing a dialogue. The exchanges were frank and often hard-hitting. The
discussions were reported daily on television and in the press and were broadcasted live.

Among the participants were representatives of all political parties, the churches, the army, the university, civic societies and the press, as well as three governors of provinces. The group of nine foreign guests included Nordic parliamentarians, politicians, diplomats, European scholars and experts on African affairs. The conference was closed by the then interim President, Sylvestre Ntibantunganya. He was elected President on September 30, 1994.

The appendix contains the text of the National Convention signed on September 17, 1994 after almost three months of dialogue between the government parties and the opposition which reflects the spirit of the National Dialogue.

In writing the report, the authors benefited from the transcript of the proceedings of the National Dialogue produced by the office of the UN Special Representative in Bujumbura, from articles published by Peter Stenlund of Finland, Kristina Svensson and Maria Leissner of Sweden, as well as from the background papers produced for the meeting.

The authors are particularly indebted to Professor Filip Reyntjens for his valuable comments and advice based on his intimate knowledge of the complexity of the Burundian situation, and to Burundi’s Chargé d'affaires in Sweden, Jean Rigi. Finally, our thanks are due to the Scandinavian Institute of African Studies for publishing this report.
Introduction to Burundi

Burundi is a small, poor, over-populated country in East Africa—

It has a long shore with Lake Tanganyika and borders with Rwanda, Tanzania and Zaire. Its population of 5.6 million lives on an area of 27,834 square kilometres, the size of Belgium. It has an average population density of 207 people per square kilometres, the second highest in Africa—after Rwanda—in some areas as much as 536 people per square kilometre.

It is one of the most beautiful countries on the African continent with a majestic scenery and lush green hills rising up to an altitude of 2,000 metres. Because of over-population, virtually every patch of land is cultivated, even the steep slopes where farmers must use ropes to attend to the crops. The impression is one huge park with banana groves, eucalyptus and mango trees, coffee and tea plantations, fields with sweet potatoes, maize, sorghum, and cassava and vegetables. It enjoys plentiful rainfall from October to June, interrupted by a short dry season in December-January and by a mild summer in July-September. Except for the lake shore region which is humid and hot with around temperatures 25°C throughout the year, the average temperature is around 18°C. The Duke of Mecklenburg wrote in 1910 about Burundi: “It is a land flowing with milk and honey, where the breeding of cattle and bees flourish, and the cultivated soil bears rich crops of fruit”.

—Without access to the sea

Burundi is a landlocked country depending on transit through the territories of its neighbours to the sea. The distance to the port of Dar es Salaam is 1,430 kms, to Mombasa 2,025 kms and to the Atlantic coast 1,900 kms—the latter is inaccessible due to the disturbances in Zaire and the war in Angola.

Burundian society is predominantly rural

Traditional Burundi society is very conservative, strongly hierarchic but socialily harmonious. Except at the times of conflicts, ethnic differences between the Hutus and Tutsis have never been reflected in social relations. The Tutsis and Hutus speak the same language, Kirundi, have the same life-style and religion (mostly Catholic), traditionally live together in collines (hillside villages), intermarry and maintain strong social relationships. No outsider is able to distinguish a Tutsi from a Hutu. About 60 per cent of Burundians are Catholics and church-goers. There is also a small minority, the Batwa.

Everyone speaks Kirundi, many also speak Swahili. French is the official language of country’s administration, though court proceedings and public speeches of government officials are often in Kirundi. The use of English is on the rise especially among new Burundian entrepreneurs seeking markets in English-speaking countries. A number of Burundian intellectuals studied in Moscow or Kiev and speak Russian.

The origins of ethnical division is not only a colonial legacy

The divisive sense of ethnic identity, which developed into rivalry that has plagued Burundi’s post-independence history, is not a consequence of colonial rule, as some historians maintain. Its origins are social rather than tribal and go back 400 years, when the Tutsi pastoralist came in to contact with the Hutu peasant indigenous population. Although the density of the Tutsi groups varies from region to region, they make up around 15 per cent of the population both in Burundi and Rwanda. René Lemarchand’s explanation of how the Tutsi minority managed to extend their hegemony over the Hutu peasants is that the Tutsi used their cattle as a lever of economic power to subdue the Hutus. As he put it: “It was a special form of cattle-contract through which the Tutsi oligarchy acquired sovereign political rights over their Hutu clients”. The colonial powers, Germany and Belgium, preserved the system in which political power has become concentrated in the hands of the Tutsis, who were given easier access to education, economic resources and employment than the Hutus. The Tutsis became the core of the officer corps of the Burundian army which asserted its role in Burundi’s politics. A change began to take place after 1989 when the number of Hutus in the key positions of government, civil service and the police, but not the army, began to rise.

About 94 per cent of the population is still involved in agricultural production

Most of the population lives in rural areas. The country has a small urban population. Three
quarters of them live in Bujumbura which has 250,000 inhabitants, while the second largest city, Gitega, the former capital, is only a small town of 25,000 people. The urban population maintains strong links to its rural origins. Rural families with relatives in towns send them food and the urban relatives use their earnings to fund farm production. Agricultural activity is centred on food crops for household consumption and rural families consume about 75 per cent of what they produce.

The rural exodus to towns is still very small but it is bound to gather momentum during the next decade.

The meaning of poverty in Burundi

The UNDP 1991 Index of Human Development ranks Burundi at 139 out of 160 countries. This reflects low literacy—half the adult men and two thirds of the women cannot read Kirundi, the national language. Life expectancy is 49 years and per capita income is $208.

Life is hard for the majority of people. In the country, people live in small adobe houses with clay floors, without electricity or running water and sewage. Less than half of rural households have access to drinkable water and only one quarter has electricity and a radio. TV is a privilege of rich city dwellers. Only a tiny minority have bicycles which enjoy higher status than cars in Europe.

A rural family seldom eats breakfast, the first meal being between 10 and 11 a.m. It consists of beans, peas, potatoes, sweet potatoes, banana, cassava and maize. Dinner is a repetition of lunch. Meat, mostly chicken or beef of poor quality, are luxuries for special occasions only. Fish is consumed only by the upper-middle classes in Bujumbura.

Women in Burundi are not yet equal to men—

Women in Burundi are still second-class citizens and hostages of old traditions and cultural values. They are legally disadvantaged in terms of inheritance rights, division of joint property and they lose their children in cases of divorce. They have no say in household spending and practically no freedom to work outside their households. Women have difficulties in obtaining credit because they have no property rights and hence no collateral. Very few can earn their own livelihood and few have personal and employment options.

Almost 98 per cent of Burundian women are engaged in agricultural production.

Rural women's principal role is to produce food crops to feed her family of five or even twelve members. Virtually all women's time is consumed by working in the fields and taking care of children.

—and are handicapped by a lack of education

According to the 1990 census, only 16 per cent of women have a primary school education and almost 65 per cent cannot read or write. Girls currently constitute 45 per cent of primary school pupils, 38 per cent of secondary school students and only 29 per cent of university students.

The traditional preference for large families persists

Burundi has about a 20 percent mortality rate for children under five. This induces women to give birth to many children—seven on average. The cycle of constant childbearing results in poor maternal health, poor child health and reduces women's economic productivity.

Health is still fragile in Burundi

The health and the sanitary situation is still unsatisfactory. A large section of the rural population suffer from endemic diseases—malaria, bilharzia, diarrhoea, dysentery, respiratory diseases. More recently nutritional deficiencies began to take their toll. Chronic malnutrition affects almost 50 per cent of children below 3 years, six per cent are acutely malnourished. According to 1990 statistics, water-related diseases—diarrhoea and dysentery—were the main causes of death for children, accounting of 21 per cent of deaths.

AIDS has become a serious health threat

Recent data suggests that among the sexually active 15-44 year olds, the rate of HIV infection is 15.2 percent in Bujumbura, 14.7 percent in semi-urban provincial areas, and 0.7 per cent in rural areas. Women are affected at younger ages and to higher levels than men. Between 50,000 and 100,000 adults, in their prime, are expected to die of AIDS by the year 2000.

Medical care in Burundi is still inadequate

More than half the country's doctors and pharmacists are in Bujumbura, where only 4.4 per cent of the population lives, and 70 per cent of the Government's health budget is allocated to hospitals in Bujumbura. However, health centres,
both government and missionary, are fairly distributed throughout the country. More than 80 percent of the population lives within 6 kilometres of the nearest centre. Most of these centres are staffed only by health technicians and nurses, many lack medicines and sick people prefer to call on their relatives in Bujumbura to take them to hospital.

**Burundi literacy rate is very low**

Universal compulsory primary education was enacted in 1981 and in 1991 almost 76 per cent of children of the primary school age were enrolled. However, due to over-crowding and the lack of qualified teachers, the level of education is very low. Less then ten per cent of 6th year pupils go on to secondary schools and only a tiny fraction succeed at the university.

The university system produces graduates with skills of little relevance to the needs of the labour market. For example, in 1991 less than 11 per cent of university students studied agronomy sciences. This is in a country where 90 per cent of all effective employment is linked with agriculture.

**Burundi has emerged from 30 years of rule by three military regimes**

Burundi attained independence in 1962 as the Kingdom of Burundi, with King Mwanmi Mwambutsa IV as the Head of State. He was deposed in July 1966 by his 19 year-old son, Crown Prince Charles NDizye, who was overthrown five months later by Captain Micombero. Ten years later, on November 1 1976, Micombero was overthrown by Lt. Colonel Jean-Baptiste Bagaza. He was removed by Major Pierre Buyoya through a bloodless coup on September 3, 1987. He freed all political prisoners, restored religious freedom, invited missionaries expelled by the previous regime back to Burundi, (among them Swedish missionaries), called for the return of refugees from neighbouring countries and initiated liberalization process in the country’s political and economic life.

**A new constitution was adopted in 1992—**

In February 1991, the Charter of Unity, calling for reconciliation between the Tutsis and the Hutus was approved by 89 per cent of the eligible voters in a national referendum. A new Constitution was adopted in March 1992. It restored a multi-party system (which had previously existed for about six years before and after independence in 1962). It provided for social justice, equal
treatment and protection of individuals under the law, as embodied in the Universal Declaration of Human Rights. It guaranteed equal pay for equal work, and equal access to education, freedom of conscience, association, expression, movement and religion. It recognized the independence of the judiciary and public accountability of the government. In April 1992, a new cabinet was nominated, in which the Hutus held half of the seats.

—and the first democratic elections were held in June 1993

The democratization process culminated in presidential elections held on June 1st. Melchior Ndadaye, leader of the predominantly Hutu party, Front for Democracy in Burundi (FRODEBU) became Burundi’s first democratically elected president. He received almost 65% of the votes. The election victory by the FRODEBU in the Parliamentary elections, held on June 29, was even more impressive. FRODEBU received almost 72% of the votes and won 68 out of 81 seats in the National Assembly, the remaining 16 going to the former ruling party UPRONA. In the new cabinet, nominated on July 10 1993, President Ndadaye announced the formation of a government of national unity in which FRODEBU received 13 ministerial posts, UPRONA 6 and the small parties which supported FRODEBU—P.P. and R.P.B.—received one each. The two remaining seats went to army officers considered to be “independent”.

**In April 1993 the process of democratic reforms in Burundi appeared irreversible**

From March 30 until April 2, when the Scandinavian Institute of African Studies organized an international symposium in Bujumbura on the theme *National Unity, Reconciliation, Human Rights and Democracy in Africa*, the democratization process in Burundi seemed irreversible, and Burundi was considered a model for Africa. These hopes were dashed after less than seven months by an attempted coup by a minority of military extremists on October 21, 1993.
The Dialogue in Bujumbura

On July 1, 1994, ten weeks after the National Dialogue conference, Burundi celebrated its 32nd year of independence. Marking the occasion, the interim President, Sylvestre Ntibantunganya, addressed a public rally at the Prince Louis Rwagasore stadium. He reiterated the importance of a meaningful national dialogue and said: “We opted for consultations, understanding, discussions and truth”. He referred to the initiators and sponsors of the National Dialogue by describing them as “people whom we need because they have revived hope for Burundians so that we can find solutions to our problems”.

At the time of his speech, national dialogue focused on the restoration of the institution of the presidency. The three month period of interim presidency was due to expire on July 12, but no agreement was reached on the crucial issue of selecting a new president to succeed President Cyprien Ntaryamira who was killed in a plane crash in Kigali on April 6 in which the President of Rwanda also perished. President Ntaryamira’s predecessor, Melchior Ndadaye—the first democratically elected president—had been killed in October 1993, three months after he was sworn in, by a small group of Tutsi extremists in the army. Their aim was to create conditions to reverse the process of democratization. In military terms, the coup was a success. The predominantly Tutsi army still holds effective power. However, in political terms, the action by the military extremists was an abysmal failure since it failed in their major objective of displacing the democratically elected government. Significantly, the army hierarchy disassociated itself from the action of the Tutsi extremists, whose action was also condemned by prominent members of the Tutsi establishment. A number of the handful of extremists in the army were detained but have not, at the time of writing this report, been brought to trial. The coup leaders, Colonel Ndinga and Lieutenant Kamana, are reportedly in Kinshasa.

After the wave of ethnic revenge killings in October 1993 a period of a relative calm was restored. New waves of violence erupted in the suburbs of Bujumbura in the middle of 1994 at a time when Rwanda was plunged into disaster.

There was a concern about the spill-over effect from Rwanda where half a million people were believed to have been killed, and an estimated two million Rwandan Hutus fled for safety across the border into Zaire, Uganda and Tanzania. About 200,000 entered Burundi, causing security problems in regions adjacent to Rwanda.

At first, the events in Rwanda had a traumatic effect on Burundi and appeared to have contributed to the preservation of a fragile peace in the country. But not for long. The armed clashes between the armed groups of Hutus, the army and the police were resumed. The situation was aggravated by broadcasts of a pirate radio station called Rutomorangingo, (the Radio which Speaks the Truth) which called for the arming of civilians and propagated ethnic hatred. Rutomorangingo is modelled on the infamous Rwanda clandestine radio stations RCD (Coalition for the Defence of the Republic) and RTLMI (Radio Television Libre Mille Collines), which are widely held responsible for the refusal of Rwandan Hutu refugees to return home. Amnesty International claimed that Rutomorangingo was being operated by the extreme wing of the Party for the Liberation of the Hutus (PALIPEHUTU) which has not been legalized because of its ethnic bias and advocacy of violence. At the time of writing the Rutomorangingo still operates.

The FRODEBU government had problems to reassert its control. By the end of July the dialogue between the FRODEBU coalition and the opposition parties came to a halt. The opposition counting on the support of the army and still dominating the civil service, press, banks and judiciary (only 13 of 241 magistrates are Hutus) continued to demand even more concessions.

There was a danger that the international concern for the human catastrophe in Rwanda came to totally overshadow concern for Burundi although it remained perilously perched on the brink of a disaster comparable to that of Rwanda. Amnesty International called on the international community to take urgent effective human rights action to prevent a second Rwanda. It described the situation in Burundi as a “serious breakdown of law and order resulting from the government’s inability to control armed forces and other armed groups”. The danger was also stressed by the UN Secretary-General, Boutros Boutros Ghali in a statement to the summit meeting of the Organization of African Unity (OAU) in Tunisia. Calling for urgent international preventive action he said that the UN was already engaged in “preventive diplomacy”.

An African mediation mission visited Burundi on July 29, led by ex-President Amadou Tounani
Touré of Mali and Nigeria's former Head of State, Olusegun Obasanjo. The OAU Secretary-General, Salim Ahmed Salim, who visited Bujumbura on September 7, was reported as saying that a very minor incident might lead to a major explosion of ethnic violence.

Prior to these developments a number of international attempts were made to establish a constructive dialogue between the conflicting political parties. One such attempt was the international seminar on Governance and Democracy, held in January 1994, on the initiative of the Special Representative of the UN Secretary-General, the former Foreign Minister of Mauritania, Ould Abdallah. Mediation efforts were also made by the OAU and Tanzania as well as by Burundi's donors of development aid. However, the National Dialogue was the first meeting which produced some concrete results such as, for example:

1. For the first time, representatives of the government, all political parties, members of the armed forces and leading personalities of Burundi's society met in a political forum, in frank and open discussions.

2. The conference witnessed the first free and vigorous public exchange of views between different interest groups and the army. Participants were able to defend their position against often harsh criticism.

3. The conference was unanimous on four most important points:

   a. A national dialogue was accepted as the only hope of resolving the political crisis;

   b. The need for developing a National Army as an institution enjoying the confidence of the whole population;

   c. The strengthening of an independent judiciary system, and a promise that all perpetrators of crimes against humanity would be brought to justice;

   d. The strengthening of democratic institutions, the encouragement of pluralism and ensuring loyalty to the Constitution.

The South African example has often been quoted by many participants as perhaps the most relevant to achieving the above agreed points.

The success of the conference was largely due to the approach by the organizers and foreign participants. While they assured Burundians of solidarity in their efforts to overcome the crisis facing their country, they made it clear that Burundians alone could resolve their problems. In the words of Lennart Wohlgenuth, director of the Scandinavian Institute of African Studies:

We are here because we strongly believe that peace is indivisible and conflicts which we are today witnessing in Rwanda, Somalia and Bosnia, and the conflict which you recently experienced yourself, are of direct concern to us and to the whole international community. These conflicts constitute a gross violation of human rights as tens of thousands of innocent people get killed, maimed for life and displaced. They give rise to social upheavals, such as the massive exodus of the population from the areas of fighting.

We feel obliged to help both national and international efforts aimed at the peaceful solution of these conflicts and at addressing their causes.

We are here because we believe in solidarity with the victims of abuses of human rights and with the leaders of your country who are trying to remedy the situation by creating conditions for the safety and security of all Burundians and for their well-being. Democracy cannot flourish in poverty.

To us, the loss of human lives in Burundi is no less tragic than the loss of lives of people in Bosnia and other parts of the world. We would like you to see our presence as an assurance that you are not forgotten and that your fight for democracy will always find supporters in our respective countries. The path to democracy is very tortuous and full of land-mines. When they explode, they may temporarily halt the democratization process, but they can never reverse it.

He concluded by saying:

We did not come to lecture to you and offer you ready-made solutions. This is your conference, your Dialogue to which we shall listen with great attention.

The most important outcome of the National Dialogue was the signing of a National Convention by nine opposition parties—UPRONA, ABASA, ANADDE, INKINZO, PIT, PSD, RADDES, PRP and PARENA—and the parties of the ruling coalition of FRODEBU—P.P., P.L. and R.P.B. on September 10, 1994 and the election of the new President, Sylvestre Ntibantwunganya twenty days later, on September 30, 1994.

According to the Convention, the opposition parties will get 45% of ministerial posts in the government, including the post of the Prime Minister. In the same proportion, the opposition will fill the posts of governors of provinces, local administrators and ambassadors of Burundi to foreign countries. The National Convention, the text of which is reproduced in the Appendix, contains an agreement on the implementation of a number of recommendations made at the National Dialogue conference. They include:

   a. Strict respect for human rights, in particular, an absolute respect for life;

   b. Strengthening of the judiciary and neutrality of the police and security forces;
c. Launching an educational campaign for the population, in particular the youth, about the values of democracy, peace and tolerance.

In order to appreciate the magnitude of the concession yielded by FRODEBU to the opposition, it should be recalled that opposition parties in Burundi, with the exception of the former governing party, UPRONA, are tiny groupings led by aggressive politicians. These minority groups pushed their way in to the negotiations by threats of making Bujumbura ville morte, and not on the strength of any popular support. Furthermore, with the exception of UPRONA which also includes some Hutus—its leader is Charles Mukasi, a Hutu, all the other opposition parties are composed exclusively of Tutsis. In the June 1993 general elections, UPRONA won 16 seats in Parliament while the rest of the parties, counted together, received less than 1% of the votes. The reason for influential elements of their "political success" lies in the tacit support the army which uses them as "proxies", and in the moderation of FRODEBU leaders, notably the Interim President Sylvester Ntibantunganya, the Prime Minister Anatole Kaneynkiko, the Foreign Minister Jean-Marie Ngendahayo and the Health Minister Jean Minani. They maintain that peace has no price and that civil war would be suicidal. However, their view has not been shared by some FRODEBU Parliamentarians who publicly disowned the small political groups constituting the opposition by insisting that "it defies belief that the opposition should be allowed such gains".

However, the peace in Burundi has remained fragile. This was demonstrated on September 9, a day before the National Convention was signed, by an incident which occurred in the Bujumbura market, where 50 people were injured by a grenade thrown by an unknown assailant. This is how the situation was described by President Sylvester Ntibantunganya in his inaugural speech on September 30, 1994:

Indeed, peace and security have been seriously affected in the country. Numbers of illegally-held arms have increased in the population. Militiamen in the pay of a few politicians, bands and groups of criminals have been sowing distress in Burundi. Murder has become a password in some sections of the youth to the extent that it has become a sign of bravery. There are even some politicians who shamelessly preach on platforms or during news conferences with national and foreign journalists that the salvation of Burundi can only be found through war. The most unfortunate fact is that these people who fear neither God, nor man, are making the use of youth. Many youths have abandoned their studies to prepare for war. These are the ones who have formed the groups such as the Intagoheka (The Unrelenting), the Sojedem (Youth Solidarity for the Defence of Minority Rights), the Sans-Échec (The Unfailing) and the Sans-Defaite (The Undefeated).

The ongoing debate between the opposition and governing parties continues to reflect the discussions that took place at the National Dialogue conference in May 1994. It focuses on the balance of power between the Tutsi dominated army and the Hutu population, and the need for a modus vivendi between the Hutus and Tutsis in an environment of terror and fear. At the time of writing no solutions to any of these issues have yet been found but the signing of the National Convention represents considerable progress towards the restoration of peace in the country.

The main purpose of this report is to show that Burundi's drift to disaster can be averted only if the National Dialogue continues, and if the international community maintains a vigorous interest in its progress. The Dialogue is the Burundians' only chance of averting a blood bath and of returning the country to the brave beginnings of the democratic process begun in 1990.
The Origins of the Current Crisis in Burundi and the Impunity of Perpetrators of Crimes against Humanity

The National Dialogue witnessed sharp exchanges of views between Burundian participants about the origins of the crisis. The discussion revealed how differently each ethnic groups sees its causes.

The former President Pierre Buyoya saw the roots of the crisis in what he described as "ethnic extremism leading to ethnic cleansing". He explained:

The last 30 years were marked by ethnic extremism which has led to what is today known as "ethnic cleansing". It is based on the ideology of exclusion of the other group and on the use of violence as the means to seize power. This ideology has been practised by the extremists in both major ethnic groups. The extremists are not numerous but they act with unequalled determination and audacity. They use intimidation, threat, verbal and physical assault and they spread rumours which instil fear of extermination.

In my opinion it was the ethnic extremism which was the main cause of the October 1993 crisis."

He described the coup d'état on October 21, 1993 as a brutal and violent testimony of ethnic extremism by a group of people who believed that they were going to save their families and relatives from the perils of ethnic cleansing and death. The result of their action was just the opposite.

He added:

The massacres of the population which followed the coup were the work of extremists of the other group which wanted to avenge their President and at the same time to kill all those whom they considered to be the source of all evil. The spiral of violence which broke out still continues.

Colonel Jean Basco Daradangwe, a medical doctor, analysed the causes of ethnic conflicts in Burundi as "pathological cases of psycho-sociology" which stem from political manipulation of an illiterate and naive population by competitors for power. Although he spoke in general terms, it was clear that he referred primarily to the Hutu extremists. He described three stages in the strategy of the extremists as follows:

The first stage is to make political opponents of the other group through systematic brain-washing of their party militants. It is a process in which a variety of dangerous intentions and evils are attributed to the opponents.

The second stage is to escalate the vilification of political opponents in power and to call for civil disobedience, contempt of the national flag, the army, judiciary and other institutions of the state. The opponents retaliate by mobilizing the state security apparatus which viciously hunts them down.

The third stage constitutes the climax of the verbal war. The political opponents are depicted as representing an imminent threat to the lives of their adversaries. The population is whipped up to a frenzy by political manipulators. People are consumed by obsessive fears and lose control over their senses. They kill their neighbours and friends belonging to the other ethnic group without any apparent motive. How else can you explain the massacre of children, the mutilation of pregnant women, or the burning of his pupils in a classroom by a headmaster?

Individuality is lost in a crowd which commits a crime, and the person's feeling of guilt becomes a collective guilt. The people become completely alienated and are unable to comprehend what they have done and why they did it.

Immoral politicians cynically explain the violence as a spontaneous outburst of anger, and deny any responsibility for murderous revenge bordering on genocide.

Most speakers at the conference considered the current crisis as an accumulation of similar crises in the past. One of them was the Governor of Ngozi, Joseph Ntakarutimana. He and a number of other speakers recalled, like a litany, the years of 1965, 1969, 1972, 1988, 1991, describing them as years of horrible violence the causes of which were never addressed, while massacres were covered up as if they had never happened. Interestingly, none of the speakers mentioned what really happened in those years as if everybody in the conference room knew. Perhaps the omission of details was still a legacy of the official policy of all previous regimes which forbade any public reference to these events: they were taboo. In the international arena government policy, dutifully carried out by Burundi's diplomats abroad, was to deny or, when confronted with direct questions, to minimize the occurrence of ethnic violence which, in the past, used to be blamed on unidentified armed gangs. According to Burundi school history text books, which have not yet been revised, ethnic violence never occurred.

For the benefit of readers, the following is a brief summary of events in the years so often quoted at the National Dialogue:

1965—On October 18, 1965 King Mwambutsa refused to nominate a Hutu as a Prime Minister despite the fact that the Hutus won 23 out of 33
seats in legislative elections. A group of Hutu army and gendarmerie officers tried unsuccessfully to take over the royal palace. At the same time, Hutu soldiers stationed in Bujumbura revolted against their Tutsi officers. Another group attacked the residence of the Prime Minister Léopold Biha. About 500 Tutsis died in the Hutu rebellion. In a brutal retaliation by the army, about 5,000 Hutus, including political leaders, were killed. Against the background of the Hutu victory in the legislative elections of May 1965, the execution of 83 members of the Hutu political elite has been considered by historians as a watershed in Burundi’s national affairs. It marked the beginning of the Tutsis’ political domination of the country’s life for almost three decades.

1969—A group of Hutu army officers were accused of plotting to overthrow the government of President Michel Micombero. The trials revealed that they were framed and that the coup attempt of which they were accused was used as a pretext for eliminating the Hutu officers and soldiers from the army. Several hundred Hutus were executed.

1972—In vengeful reaction to a Hutu uprising against the military regime of Captain (later General) Michel Micombero, which led to between 10,000–15,000 Tutsi deaths, the Tutsi army systematically massacred between 100,000-150,000 Hutus and caused 150,000 Hutus to flee the country. It was at that time the bloodiest episode in the history of modern Africa which has since been surpassed only by the recent carnage in Rwanda. Professor René Lemarchand described it as “a genocide-type operation aiming at the physical liquidation of nearly every educated and semi-educated Hutu.” At that time, the silence of the international community was deafening. No protests were launched by the Organization of African Unity and the United Nations, nor by Western states, with the solitary exception of Belgium. The Western public’s attitude was one of total indifference.

1988—On August 14, eleven months after Major Pierre Buyoya overthrew Colonel (President) Jean Baptiste Bagaza, in two areas of northern Burundi, at Ntega and Marangara, some Hutus, fearing another massacre, launched a “pre-emptive” attack on neighbouring Tutsis and killed 2,000–3,000. The Tutsi army was ordered to restore order and 2 army battalions were dispatched to the area. In the process, uncontrolled army elements massacred many Hutus, including women and children in revenge for the killings of the Tutsis. The estimates of killed Hutus vary between 5,000 and 20,000.

1991—In November, armed members of PALIPEHUTU (Party for the Liberation of the Hutus) based in Rwanda, launched an attack on 15 police and military installations in Bujumbura and other parts of the country. The army was called out and official statistics put the number of casualties at 501. However, an enquiry by Professor Filip Reynvans of Belgium and by the former German M.P., Brigitte Erler, established that more than 5,000 people had died.

1993—Following an attack carried out by a unit of paratroopers who killed President Melchior Ndadaye and four top officials of the FRODEBU ruling party, a veritable mayhem engulfed many parts of Burundi in which about 50,000 people are believed to have died. For the first time, the number of Tutsis killed in the violence is believed to have equalled, if not exceeded, the numbers of Hutus slaughtered in revenge.

One difference between 1972 and 1993 was in the swift condemnation of those responsible for triggering the violence by the international community which made it clear that if a military dictatorship was established, Burundi would be subjected to total international isolation, all development aid would be suspended, and that the imposition of international sanctions would be considered. The other major difference was the denunciation of the coup by leading Tutsi personalities. The former President, Pierre Buyoya, and later also the Chief of the Staff of the Army, Colonel Jean Bikomagu, condemned the coup. Both recognised that the predominantly Hutu party, FRODEBU, would not give up its legitimate right to govern the country on the strength of its landslide victory in democratic elections in 1993, and that it would feel justified to use all means to defend this right.

It was because of these factors, which were absent in 1972, that the National Dialogue could be held at all.

The exact number of people killed in the ethnic conflicts during the past 30 years will never be known as none of the three military governments, which ruled Burundi from 1966 to 1993, ever attempted to find out. One speaker at the 1994 National Conference reminded the former President Pierre Buyoya of his pledge in 1988 to investigate the tragic events at Ntega and Marangara and to bring to justice those responsible. This was never done. As in the previous years, the bodies of victims were buried in mass graves at unmarked locations. In 1991 the PALIPEHUTU attackers were tried and convicted. Only one soldier, a non-commissioned officer, was arrested and charged with murder; but the trial was not held, and he was subsequently released.
Until the present, each outbreak of violence in Burundi was glossed over, minimized and drowned in florid rhetoric about "unity". In reality, throughout the past 30 years the nation remained seriously divided along ethnic lines which, as Professor Venant Bamboneyeho of the Burundi University and President of the Human Rights' League Organisation SONERA put it, "have been almost identical to the lines dividing the rich from the poor". He added that Bujumbura has become divorced from the rest of the country by the affluence of many of its inhabitants. The difference between wealthy and poor Burundians had become much more visible and significant than the ethnic differences which are hidden to outsiders. He claimed that the conflict between the Hutus, deprived of access to the country's resources, and the Tutsis who control them, had more to do with social injustice than with differences.

One of the main issues which came up during the debate at the National Conference was the problem of impunity. The Foreign Minister of Burundi, Jean-Marie Ngendahayo, a Tutsi member of FRODEBU, told the Nordic delegation that impunity had been the main cause of the continuing political instability. He complained that perpetrators of crimes against humanity in the past as well as the present walked free. A very strong condemnation of the Government's non-action on impunity was expressed—by the President of the Human Rights League ITEKA, Tharcisse Nsavyimana, who submitted a document to the conference entitled "ITEKA's Declaration on Justice". The document claimed that the consequence of impunity enjoyed by criminals of various groups is immunity. Many perpetrators of crimes against humanity occupy high public offices and continue to behave as if they were exempt from liability under Burundi laws.

A striking example of acts of impunity and the absence of legal measures banning people responsible for the abuse of human rights from politics, is the case of the former President, Colonel Jean Baptiste Bagaza, who ruled the country from 1976 to 1987. During his regime, equally repressive as that of his predecessor, access to power, higher education, posts in the civil service, army and judiciary continued to be the privilege of the Tutsis and of the selected few Hutus willing to serve the Tutsi regime. He returned to Burundi in 1993 under the amnesty declared by the late President Melchior Ndadaye. In August 1994, he announced the establishment of a political party, the Party for National Recovery, and declared himself a candidate for the Presidency.

Many speakers at the National Conference called for the punishment of soldiers who killed President Ndadaye and his associates. It was understood from army representatives that the army compiled a dossier on all officers and soldiers involved in the October coup which it was prepared to hand over to judicial authorities. But he emphasised that the consent of the army to allow its men to stand trial was conditional on the approval of the Government to try FRODEBU officials who were guilty of inciting the killings of Tutsis in the regions. According to Colonel Daradangwe some of them actually led the mob, but no official investigation was ordered by the government. These officials, as well as all soldiers implicated in the abduction and killing of the President, were identified by an international commission of enquiry (Commission internationale d'enquete sur les violations des droit de l'homme au Burundi depuis le 21 octobre 1993). It visited Burundi in January 1994 and released its report on July 5, 1994. So far, no trial of any accused has taken place.

Some speakers argued that punishment of persons responsible for crimes against humanity should not be confined to the events during and after October 1993. However, they did not say how far back the crimes of the past should be investigated.

The view expressed by some speakers, that Burundi should look forward to its future rather than to its past, was not shared by the majority of participants. A number of speakers argued that unless Burundi acknowledges its past history and unless people who committed crimes are identified and tried, any genuine reconciliation is impossible.

The question of impunity is linked with the question of an independent and strong judiciary which, as the conclusions of the National Dialogue expressed it, "should become a guarantee for the protection of human rights and civil rights of each individual".

Again, South African experience was invoked. Colin Legum told the conference about the plans of the South African government to set up a Commission of Truth and Reconciliation which he said was seen by many as the only way South Africans could come to terms with their past on a moral basis, namely that "truth must be told and acknowledged".

Among the terms of reference of the proposed South African Commission are the following:

Investigating and establishing the truth about human rights violations and their acknowledgement. Gross violation of human rights must be fully and officially investigated with due regard to fair procedures. The identity of the victims and what happened to them, and the identity of the perpetrators, must be made known. The events need to be officially recognized and publicly revealed. Revealing the truth satisfies the demand for justice for the victims and facilitates national reconciliation.
The question of amnesty, which is as difficult for the ANC Government in South Africa as it is for the FRODEBU Government in Burundi, was raised by Colin Legum who quoted the new South African Minister of Justice, Dullah Omar, as saying:

The question of amnesty is among the most difficult problems facing the government since it involves pardoning members of the army, police and other members of the security services for crimes committed during the apartheid era. Some of those accused of gross violations are still serving in these forces, while others have been convicted. A fine line needs to be drawn between the need for justice and the need to retain the confidence of the army and the police.

However, as was pointed out by FRODEBU Parliamentarians, the major difference between the judiciary in South Africa and Burundi is that sentences by South African courts can be enforced by the organs of judiciary and the police can investigate political crimes. In Burundi, such an enforcement apparatus does not exist. This is one of the major obstacles to trials of people who have committed crimes against humanity. The other equally significant fact is that Burundi’s judiciary is staffed almost entirely by Tutsis—judges, prosecutors and attorneys. It is not surprising, therefore, that Hutus have little confidence in the impartiality of Burundi’s legal system, hence the call for international assistance to strengthen it. However, even if trials could be arranged before impartial courts, this would not solve the problem of the enforcement of court decisions. The FRODEBU government’s concern is that the security services, commanded by the Tutsis, are unlikely to co-operate with court decisions to imprison Tutsis convicted of murder and of other crimes against Hutus. Nor is the FRODEBU government in a position to order the trial of its own officials found guilty of inciting violence and of direct participation in the killing of Tutsis because the Hutu population sees these actions as rightful revenge for crimes committed by Tutsi soldiers.

The participants in the National Dialogue were almost unanimous about the need to deal with impunity, yet no practical measures on how to achieve it were discussed. At this stage of National Dialogue, such methods are simply not available. The clause in the recommendations adopted by the National Dialogue stating that “incitement to political violence should not be tolerated irrespective of which side it comes from” caused one of the foreign participants to ask: “Why don’t the Tutsi and Hutu moderates join forces against the extremists in their own ranks?” The answer unfortunately is that the moderates are still hostages to extremists in both groups.
The Power of the Army Versus the Power of the People

The relationship between the Hutus, who constitute around 85% of the population and the 18,000 strong army controlled by the Tutsis who form about 14% of the population, continues to be seriously strained. Mutual contacts have been limited to two areas: between the commanders of the army and the government, largely through the Minister of Defence; and between the regional army commanders and region governors on matters of security. While accusations levelled against the army over the ethnic violence following the murder of President Melchior Ndadaye, have been made frequently in public by some politicians and newspapers, the army has remained aloof and refused to respond to the charges. As pointed out in the introduction, one of the tangible achievements of the National Dialogue conference was the engagement of army representatives in a dialogue with its critics. More than 30 officers of the army, among them seven colonels—the highest rank in the Burundian army—and seven majors attended the conference. They included the Chief of Staff, Colonel Jean Bikomagu, and the army spokesman, Colonel Jean Bosco Daradangwe. The announcement that Colonel Daradangwe would not address the first session but would speak on the second day aroused speculation about whether he would come at all. He did and delivered the speech quoted in the previous chapter.

The working session of the conference on the morning of May 19 was opened by a key address by the former President Pierre Buyoya, who emphasised the need for a national dialogue in Burundi because, as he put it, “the country is on the brink of civil war”. Pierre Buyoya is himself a soldier. He comes from the Bururi province, a territorial base of the Tutsi minority group, called Hima, which provided both the military dictators who ruled Burundi before Buyoya—Micombero and Bagaza. Buyoya held the rank of major when in September 1987 he seized power from Colonel Bagaza in a bloodless coup. However, it is to his considerable credit that after an outbreak of ethnic violence in 1988 in which at least 5,000 people died, he embarked on a democratization process. At first his initiative was considered by many Hutus as too slow, and by many Tutsis as too fast. His belief that the army could play a positive role in the democratization of Burundi was shown by his sponsorship of an international conference held in Bujumbura in January 1993, called “Democratization of Africa: The Role of the Military”. It was attended by 64 senior military officers and civilian leaders from nine African countries and the OAU. President Buyoya’s democratic reforms culminated in the first free presidential elections followed by equally free and fair parliamentary elections in June 1993.

In his address to the National Dialogue he defended his reform policies and dealt with his critics’ arguments, namely:

1. Plural democracy is impossible in Burundi;

2. Plural democracy has been too hurriedly established in Burundi without sufficient preparation of the population;

3. The democratization process was conducted in a way to secure the victory of the ruling party, UPRONA;

4. The origins of the crisis should be sought, inter alia, in the refusal of democracy by the Tutsis.

He rejected these arguments as follows:

Democracy is a universal system which has proved effective in many highly diversified societies. Nevertheless, it must be adapted to the realities in each country and each society. African countries cannot ignore the wind of democratization movement that is blowing over the continent. Burundi was not the first country to organize multi-party elections. Benin, Mali, Burkina Faso, Cape Verde and Congo preceded it, and a number of other countries took the same steps. Foreign and national observers who witnessed the elections acknowledged that the democratic transition in Burundi, though not perfect, was carried out in good faith and under fair conditions. There has been a permanent dialogue between the opposition and the government, and agreement was reached on the date of the elections. The outgoing government publicly accepted the verdict of the ballots without any attempt to refuse the result of the elections as has happened in some African states.

It is wrong to attribute to the Tutsis a refusal of democracy. In the political debate which preceded the elections, nobody heard the Tutsis or the Hutus argue against a plural democracy.

Pierre Buyoya came to the defence of the army by saying:

The Burundian army is an institution which never opposed the process of democratization. If the majority of the army had wished to do so, it would
never have allowed its evolution towards the general elections. Remember that in May 1992 and July 1993—it was the army which saved the democratic process threatened by extremist elements in the army. In October 1993, if the army had intended to seize power, the coup would never have failed.

Subsequent speakers sharply contested his statement, in particular his description of the army’s role. They claimed that the command of the army was responsible for the action of the paratrooper unit which abducted President Melchior Ndadaye from his residence and took him to the barracks of the military garrison in Bujumbura where he was killed by two soldiers. Indeed, an international commission of enquiry which visited Burundi in January 1994 confirmed in its report that a number of high ranking officers witnessed the murder and that none of them tried to stop it.

Another speaker accused the army of the genocide of the Hutus in 1965, 1969, 1972, 1988, 1991, 1992 and 1993, the black years in Burundian post-independence history which have cost more than half a million lives. He said that the army was responsible for the continuation of violence.

A very heated debate followed in which the army officers gradually became involved. The frankness with which the civilians voiced their criticism of the army baffled many in the audience. It had never happened before that the army was publicly castigated in the presence of the highest officers. The debate also showed that the public knows very little about the army structure, and that the army is also ignorant about its image among the population. This led Colonel Daradangwe to remark that the National Dialogue showed the need to break the ice between the army and the public. “What we need”, he said, “is to spend a couple of days in seclusion talking not only with government officials and politicians, but with people from the regions so that we get to know each other as persons and human beings”. He added: “Although we wear uniforms, we are people just like any other people with families and relatives in the countryside who also got killed in outbreaks of violence.” And continued: “There is an urgent need to demystify the military for the ordinary citizen.”

A young army major made a passionate appeal for ending the ethnic hatred. He said he was proud to be an officer of the Burundian army which he described as “by and large, a loyal national institution”. He called on the political parties to cease aggravating the situation by inciting violence, and he strongly condemned what he described as a “smear campaign against the army by portraying soldiers as devils”. He urged the government and political parties to agree on a national recovery plan to lift the country out of its social and economic crisis, and he concluded his intervention, by drawing the conference’s attention to the proliferation of weapons throughout the country which he considered to be a major factor of destabilization, and proposed the following programme:

1. A disarmament campaign must be launched without any complacency. It is gratifying that the interim President agreed that such a campaign should be carried out by the army with as little loss of human life and property as possible.

2. The army has to carry out a disarmament programme in collaboration with the local population and with the help of the civil administration. Security can be best attained if all parties concerned are involved in disarmament process by the security forces.

3. A disarmament operation in Bujumbura and its northern suburbs should serve as an example, showing how much it was appreciated by the population and by the mass media which witnessed it.

4. Members of the government should refrain from establishing a parallel army, as two armies would be a waste of money and resources. Money should not be used to arm certain sections of the population, but for food and shelter for those whose survival is at stake. A machine gun, a deadly weapon, costs about 60,000 Burundi Francs which corresponds to the cost of housing at least 10 displaced people.

Earlier, in his opening speech, Prime Minister Anatole Kanyenkiko endorsed the idea of a disarmament programme, describing it as a “pacification campaign” and “as a measure to break the spiral of internal violence which has continued since the assassination of President Melchior Ndadaye”.

There was a very hostile reaction to the proposal for a disarmament programme and, in particular, to the description of the disarmament operation in Bujumbura as a “success”. The subsequent discussion revealed that FRODEBO is deeply divided on the issue. Its politicians who attended the conference were clearly upset by Colonel Daradangwe’s remarks on disarmament when he expressed satisfaction that “the interim President speaks our language”. The Vice-President of FRODEBU’s Parliamentary Group, Nديkumana Nephtali, described the disarmament operation by the army in April in Bujumbura’s suburbs Kamenge, Kinama and the adjacent rural areas of Muberube as “ethnic cleansing”. He said
that 367 people were killed, 2,000 had fled and 57 houses were burned down. He described it as "a strategy aimed at the destabilization of the FRODEBU government and decimation of the Hutu population". Disarmament, he insisted, would leave the Hutus defenceless. "Why", he asked, "does the same Tutsi army, which since 1972 has distributed more than 5,000 arms to the Tutsi population, suddenly call for the disarmament of the Hutus? Should not any disarmament programme begin with collecting the arms from Tutsis?"

Several army officers took the floor and claimed that the responsibility for the destabilization of the country lay with the FRODEBU Minister of Security, Léonard Nyangoma, who, they alleged, had organized the distribution of arms to the Hutu population throughout the country.

Ndikumana Nephtali cut in by saying that arming the Hutu population became necessary for their own protection from the Tutsi army. He then introduced the following recommendation which he said, if implemented, would secure peace in Burundi.

1. Army and security forces as well as all who legally or illegally possess weapons should cease to use them with immediate effect;

2. The government suspends the programme for disarmament of the population and works out a proper disarmament plan in co-operation with the civilian local administration;

3. Political parties and civic societies should start discussions on security issues and problems which are causing insecurity;

4. Military commanders must do their utmost to reassure the population of their safety and ensure that peace is respected by soldiers and civilians alike.

An angry reply came from the leader of UPRONA, who said: "Since its arrival to power, FRODEBU has used every opportunity to reinforce the war machinery by intensifying the arming of bands of extremists; it has distributed guns, set up workshops for manufacturing traditional arms—spears, bows, machetes, hammers and axes—and used public funds to finance it".

The president of the opposition Party for Reconciliation of the People (P.R.P), Mathias Hitimanana, tried to defuse the heated discussions by proposing the postponement of the discussion about the army until a solution had been found to the deep social and political crisis. In a memo submitted to the National Dialogue he stated that "the issue of the army and the police does not constitute for us a condition for the resolution of the problem. The country is not yet in a situation of peace, and there are strong passions still prevailing throughout the whole society".

Several speakers addressed the problem of restoring a balance between Tutsis and Hutus in the army. This should be preceded by vigorous education campaigns both within the army and the civil society. Soldiers and citizens should be taught their civil rights and responsibilities; teaching about human rights should be included in the curriculum of military and civil education systems. One speaker emphasized that the rights of ordinary soldiers must be protected by a legal system as much as for the civilians. He argued that if a soldier is subject to the abuse of his own rights by his superiors without a possibility of resort to a legal defence of his rights, he cannot be expected to respect the rights of civilians.

Colin Legum introduced the South African experience of creating a national army:

The most striking similarities between Burundi and the South African experience are that both are countries where a dominant minority community agreed to a democratic process which inevitably meant that majority rule would either erode or substantially diminish the old-established power relationship, and that while political power would pass into new hands, the military power would reside with the former dominant group. This imbalance between political and military power is a recipe for destabilization. The difference between the political processes in the two countries is that whereas in Burundi the process of radical change was accomplished virtually overnight without serious thought being given to the role of the army, in South Africa careful planning and hard-headed negotiations occurred over a three-year period during which time compromises were reached before democratic elections.

During this period of negotiations, an intensive exchange of views took place between the South African military hierarchy, the ANC's liberation force Umkhonto we Sizwe, and the Pan-African Congress' (PAC) Liberation Army (APLA). These exchanges were valuable in that they gave an opportunity for the old adversaries to get to know each other and to achieve a level of confidence.

While the need to reform the army to become a truly national institution was unanimously recognized by all participants, the way of achieving it has not yet been found. The FRODEBU representatives see the essence of the reform in the increase of the number of Hutus in the armed forces and in particular in its command. Because of the failure of the 38-men strong guard to protect President Melchior Ndadaye—not one single shot was fired in his defence—FRODEBU started to build up the Presidential Guard of about 500 men, now much stronger, largely composed of Hutu soldiers. This measure is seen by the Tutsis as a "parallel army" resembling the Presidential Guard in Rwanda which was held responsible for the massacre of Tutsis in Kigali. Tutsi army offi-
cers insist that reform of the army must be based on proper training of new recruits and officers and on economic assistance to demobilized soldiers. Discussions both in the conference hall and during social events made it quite clear that the Tutsis are convinced that the army is the only guarantor of their safety. As one Tutsi political leader, Mathias Hitimana, put it “I fully recognize and accept FRODEBU's political victory in the elections but I am afraid of the exercise of its political power”. The Hutus fear the army as much as the Tutsis fear Hutus.

The elements of army reform which were debated by the army officers were, as follows:

1. The demobilization of the Tutsi officers and soldiers must be fair and not guided by feelings of revenge;

2. Proper demobilization can be best achieved if it is voluntary. Material incentives rather than compulsory redundancy should be used. Financial assistance to establish a business, farm or offers of financial support to vocational training related to new job possibilities can be made more attractive than an army career.

3. International assistance is essential to help reintegrate soldiers into civilian life by providing training programmes and funds. There is perhaps no greater need for Burundi’s future than material assistance for demobilized soldiers to secure the loyalty of those who remain in the service as well as for help in enhanced military training for new army recruits. Until now, the economic requirements of demobilization have been both under-estimated and neglected.

A proper demobilization programme of the Tutsi officers and soldiers combined with the recruitment of Hutus still does not exist and current developments point to the possible creation of a separate Hutu security force rather than to the creation of an integrated army. This constitutes one of the most serious obstacles to a political settlement.
The Way Out of the Crisis and the Role of the International Community

“One of the basic rules of Burundi culture”, observed René Lemarchand in his book “Rwanda and Burundi”, “is never to be too outspoken in expressing one’s feelings in public speeches”. This was certainly true of the Prime Minister, Anatole Kanyenkiko, who addressed the opening session of the National Dialogue. With his customary courtesy he refrained from putting blame on any particular political group responsible for Burundi’s political malaise and exuded optimism about its cure. He stated that his government was prepared to do everything to create conditions for the return of peace, security, the restoration of confidence among the population, and for a resumption of the normal functioning of the institutions of the State provided for by the Constitution as well as for both the public and private economic sectors. He said this could be attained by implementing the Government’s priorities which he listed as follows:

1. Mobilization of humanitarian aid for the refugees and displaced persons;
2. Proper functioning of the political institutions—the Presidency, National Assembly and a government of consensus;
3. Launching a campaign for the return to peace and restoration of confidence;
4. Re-opening of schools;
5. Continuation of the dialogue between the political parties in accordance with the Kigobe-Kajaga agreement between the coalition of governing parties and the opposition parties.

The Prime Minister did not touch on political extremism which was seen by most Burundian participants as the main obstacle to the creation of conditions of mutual confidence between Tutsis and Hutus. His statement expressing support for a “pacification campaign” gave rise to the controversy described above.

Several peace plans were put forward by participants in the conference. One was submitted by Oscar Nibogora, a member of the FRODEBU Parliamentary Group. It contained all the elements of the government’s priorities, namely:

a. Continuing a national dialogue involving the Government, the army and security services, and political parties;
b. Close co-operation between the civil and military administrators in the provinces who were asked to organise peace meetings in the communes. Also the involvement teachers, and pupils and local officials;
c. Restoration of the Presidency in accordance with the election results in June 1993, in agreement with other parties;
d. Banning of publications which intoxicate the population with ethnic hatred;
e. Holding a national conference on defence and security to be organized with international assistance and attended by international observers.

However, in contradiction to the Government’s support of a disarmament programme he called for its immediate termination.

The former President Buyoya’s peace plan implied a criticism of the governing party and contained the following proposals:

1. Political leadership must rehabilitate the reconciliation policy and educate people accordingly. All government statements should be reassuring to all ethnic groups. The leadership must also recognize that the election campaign had already come to an end since last year, and that political ideology based on ethnicity is incompatible with democracy.
2. Reconciliation policy must be underpinned by practical measures reassuring the population about the sincerity of the Government to guarantee security to all Burundians.
3. The need to establish a forum for a permanent national dialogue at three levels: the Government and government institutions, the regional level, and the local level which includes all communes and collines in the country.

He said:

It is through dialogue that mutual confidence can be generated. Security of Hutus and Tutsis lies in the mutual confidence established at collines, and community levels, and by sharing the same schools. Security does not lie in the number of Hutu and Tutsi ministers nor in the number of Hutu or Tutsi army battalions.

Mathias Hitimana submitted the programme of his party, PRP, entitled “How to restore democ-
racy in Burundi”. He pointed out that the Tutsis’ and Hutus’ fear of each other cannot be overcome by issuing a decree, and said “Our Constitution took for granted that there were no ethnic problems in Burundi, hence it did not address what is today a central issue of our crisis”. He proposed an amendment to the Constitution which would reflect the actual social and political problems, and proposed the following reforms based on parity at all levels of power:

1. People should be able to choose between a republic and a constitutional monarchy and a referendum should be held on the issue. Should they chose a monarchy, the King would appoint a Prime Minister to be responsible to the National Assembly. In case they chose a republic, a system of alternate terms should be established so that the office of the President cannot be held for two consecutive terms by one ethnic group. There should be an office of Vice-President who must be from a different ethnic group from the President, and vice versa.

2. There should be an equal number of Tutsis and Hutus in the government and in each ministry there should be a Recruiting Committee to make sure that no ethnic group is under-represented. Posts in the technical and administrative sector of the civil service should not be filled by politicians but by competent career civil servants.

3. All political parties should be represented in the National Assembly, provided their membership includes both Tutsis and Hutus. The qualified majority vote should be fixed at 60% or 65%.

4. At the local administration level, it should become a rule that a Tutsi governor has a Hutu as a deputy, and vice versa. Similar parity should apply to all administrative posts in all communities.

Several speakers reacted to the P.R.P. proposal by objecting to a reform which would permit representation in the National Assemblies by parties which, with the exception of UPRONA, received less than one per cent of votes in the general elections, and some of which have less than one hundred members.

Professor Jean Poirier, one of the foreign scholars, supported P.R.P.’s case for asking the people to choose between a constitutional monarchy and a republic by pointing out that those European states which today are still kingdoms, belong to the most democratic countries in the world—the UK, Sweden, Norway, Denmark, Belgium and Spain—and where human rights are most respected. He also mentioned an efficient traditional African mechanism on reaching unity of opinion, called kabary:

When a group discusses a given situation, it often happens that an agreement cannot be easily reached. Discussions can take a long time. All parties have a possibility to express their views. As the debate continues, all participants come closer to a more unified position. They talk, give and take, until finally a common stand is reached.

The debate in the session on the role of the civic societies and of the international community the promotion of human rights, where protection of minorities and national unity was discussed, revealed that most of the civic societies were established, as one speaker put it, “only to respond to international concern about the need of civic societies”. Teddy Mazina, a member of the youth organization, OJF, said that most civic organizations exist only on a paper; others, such as trades union organizations, have many members but are largely inactive. His criticism was shared by Claudette Kibasha, of the Société Burundaise de Financement (SBF). She said there were about 500 civic organizations registered in Burundi yet, with the exception of the Human Rights League, ITEKA, none played any significant part in the national dialogue on the solution of the current political crisis. This was despite the fact that some had several thousand members and were thus more qualified to participate in the dialogue than most so-called “opposition parties”. Most of the opposition parties have taken advantage of the law according to which only 32 members are required for registering a political party.

Claudette Kibasha also criticized what she described as a “conspicuous passivity of the Catholic Church to join efforts to solve the crisis of confidence in Burundi”. Indeed, many participants were struck by the fact that no representative of the Churches spoke at the conference.

Victoire Ntkumana, Member of the Parliament, made a strong plea on behalf of the women of Burundi urging women to join civic societies, make them more active and to try to restore the traditional social values of the Burundian society, in particular a respect for the right to live in peace. She said that these values were destroyed by the events after October 1993 and by the extremists in both ethnic groups who are advocating violence.

Tharcisse Nabyimana, President of the Human Rights League ITEKA, considered legal protection of human rights of all Burundians as an essential precondition for the restoration of security in Burundi. He also pointed out that a small group of Twa, though constituting only about one per cent of the population, was entitled to the same rights as other ethnic groups whose repre-
sentatives tend to forget Twa’s existence. He said that, ironically, the same Tutsi leaders who are to-day pressing for protection of minorities, when they were in power, objected to a clause in FRODEBU’s election manifesto on minority protection. FRODEBU was told that “there were no minorities in Burundi” and unless FRODEBU removed the clause it would not be legally recognized as a political party.

Professor Venant Bamboneyeho, said that the discussion about the protection of minorities was obscuring the basic question: Which minorities and against whom should they be protected?

He said that the figures about the majority of Hutus and minority of Tutsis were totally misleading. Analysing the problem of “majority and minority” in Burundi he said:

What about the majority which does not speak French, does not consume imported foreign food, does not live in houses with running water and electricity, and does not have a radio, not to mention a TV. By virtue of its poverty, the majority of Burundians have become a “minority” in the political sense because they are excluded from any participation in negotiations of members of the upper class in Bujumbura despite the fact that its outcome affects their lives.

Thus we have a numerical majority of the Hutu population which because of its social conditions has become a “political minority”, and we have a Tutsi minority which has become a political majority in terms of power, but both ethnic groups are equally concerned about their security.

Another speaker drew the attention of the audience to a Tutsi minority within the Tutsis. He said: “The territorial base of this minority is the province of Bururi, the area from which most of the ruling elites are recruited. In the south of the province, there is a very small group of the Tutsi Himas. It is in Bururi that the first military school was set up in the early 1960’s and the command of the army has been made up essentially of Himas. All military rulers of Burundi come from the Himas tribe”.

The role of the international community was raised by many participants. Speaker after speaker called for international help to enable Burundi’s legal system to deal effectively with “impunity” and the new Constitution; to a supervised national debate about defence and security policies; to support civic organizations and provide assistance for education. It is not without interest that very few of the speakers called for international economic assistance. This is very striking at a time when Burundi’s economy is on the brink of collapse because basic crops, including coffee and tea—Burundi’s prime foreign exchange earners—cannot be properly attended to due to the forceful displacement of hundreds of thousands of people, vast damage to properties in many provinces and the cost of the resettlement of refugees returning to the country. The burden of some 200,000 refugees from Rwanda has put extra pressure on the country’s resources. Ambassador Ould Abdallah illustrated the problem of displaced persons by mentioning his recent visit to Kirundo province. He said that of the total population of the province which stood at 430,000, more than 250,000 were displaced persons or refugees.

At the National Dialogue, international attention and assistance was sought by the Burundians. Despite being landlocked and suffering from the legacy of over 20 years of isolation from the outside world by the draconian regimes of Presidents Micombero and Bagaza, Burundi has always been very sensitive about world public opinion. This was made clear by President Sylvestre Ntibantunganya in his concluding address to the conference when he addressed the foreign participants: “We would like you to project the true image of Burundi in your respective countries in particular our efforts to find a solution to the present crisis”. He asked them to return soon for a joint evaluation of the results achieved on, what he described as, the “glorious road towards reconciliation”.

However, international assistance is obviously not without its perils. The Burundi government welcomes visits of foreign dignitaries, politicians, representatives of governmental and non-governmental institutions because international support of its efforts to overcome the political crisis provides a kind of protection against open seizure of power by the military or by a clique of extremists. The government feels encouraged when visitors come with a clear message to potential coup makers that the international community would not stand by idly and allow democracy in Burundi to perish.

But there are limits to international assistance. In response of the Burundi Government’s call for international military aid, made after the events in October 1993, the OAU announced a plan to send a 1,000 strong military mission called the “International Mission for the Protection and Restoration of Confidence in Burundi (MIPROBU). This was strongly opposed by the army which regarded it as foreign interference in Burundi’s internal matters affairs. The Government gave in and the name of the mission was changed to the International Observation Mission in Burundi (MIOB) and its number was reduced to a small group of about 30 officers. After several months of frustration, the Mission succeeded in signing an agreement with the Ministry of Defence about the terms of reference of the Mission’s assignment.
Another problem is likely to arise over the proposed foreign assistance to strengthen the judicial and legal apparatus, or over the reorganization of some of the State institutions, in particular the army. In a highly polarized Burundian society divided along ethnic lines each ethnic group evaluates the work of experts by the benefits to its particular cause. If Tutsis perceive that foreign experts “take side” with the Hutus, they are labelled Hutus, and vice versa. Many examples in our experience of organizing meetings about Burundi could be cited.

The foreign participants in the National Dialogue, and in particular the Nordic parliamentarians, repeatedly explained that the effectiveness of international assistance will depend entirely on the degree of reconciliation reached between the conflicting parties in Burundi. In the words of the conclusions of the meeting:

The participants have unanimously agreed that continued and enhanced international involvement in helping to promote democratic process in Burundi will be important. The hope was expressed that instead of the international community coming after the tragedy that occurred would help to avert a recurrence of serious violence. However, it was made clear that the role of foreign guests in this as well as future meetings of this kind can only be that of a catalyst to facilitate debate. They came here to offer the benefit of their experience and advice and not to intervene in the settlement of the domestic problems which can be solved by Burundians only.

The role of foreigners “to help Burundians to help themselves”, as described by Kristina Svensson, the Swedish M.P., was explained in identical terms by the Support Mission of Parliamentarians for Global Action which visited Burundi during the last week of August 1994 and in which she also participated. The visit was an example of persistent efforts by the international community to encourage the Burundians to talk rather than fight. The world should not abandon Burundi because of the long time needed to reach a peaceful settlement. After all, it took 20 years before the IRA in Northern Ireland agreed to suspend violence and to seek to achieve its political objectives through the conduct of a dialogue. Similarly, in Bosnia the solution to the vicious ethnic conflict is not any closer at hand. But in Burundi there is still time to avoid the disasters of Bosnia and Rwanda.
Conclusions

Possible Role of the International Community in Helping to Restore Political Stability in Burundi

The crucial lesson learnt from the meetings on National Dialogue is that any international intervention should be on the basis of strict neutrality. The experience of the OAU and of the UN’s Special Representative, as well as of the participants in the meetings described above, is that any action perceived by the conflicting parties as favouring one side or the other, is counter-productive.

However, it is not easy to maintain a strictly neutral role in view of the sensitivities of the Burundians. Nevertheless, this must be the guiding principle. This can be achieved if external parties see their role as facilitators rather than as mediators. The role of facilitator is to provide opportunities for the different parties to meet in a shared forum, and to keep open the channels of communication between them. Such a role rules out any action that smacks of mediation. The only mediators in this situation must come from within the Burundi community itself.

What, then, can the international community do to assist in the process of negotiations? From all that was learnt at the meetings held so far, there is a clear consensus on the need for continuing international interest and concern in the affairs of Burundi. Such interest and concern is seen by all parties as helpful to their efforts in keeping a dialogue going, and in their efforts at continuing the process of negotiations.

All the parties lay great stress on the need to discourage human rights’ abuses. But this is a minefield since, while the government, the opposition and the military, are all eager to denounce human rights’ abuses when perpetrated by their opponents, all are prone to cover up wrong-doings by their own supporters. These suspicions have their roots in the failure of earlier regimes to bring to justice perpetrators of the sanguinary crimes against humanity in the past. While there is no shortage of human rights’ groups inside Burundi, many of them are parti pris. However, three major groups appear to have credibility and seem to provide sufficiently reliable information for international agencies to raise their voice. The three groups are the Pierre Buyoya Foundation, the Human Rights League, ITEKA and the Human Rights League Organisation, SONERA.

In practical terms the following type of activities would appear to be both appropriate and acceptable:

— Facilitating opportunities for the government and opposition, as well as the military, to participate in forums both inside Burundi and abroad.

— Providing expert paper on constitutional issues and the experience of other African countries in achieving an integrated national army, such as that achieved in South Africa.

— Providing opportunities and, if possible, funds for Burundian leaders to visit other countries that are either engaged in, or which have already overcome, problems of the kind being encountered in Burundi.

— Monitoring developments in Burundi and giving wider circulation to the efforts being made to overcome the present crisis, such as the agreement already reached on power-sharing.

— Encouraging visits by respected African and international leaders to Burundi to study the situation at first hand and to give encouragement to the laudable attempts being made to bring Burundi back from the brink.

— Encourage the African Commission of Jurists and other neutral persons in the judiciary to come forward with suggestions to help establish an independent judiciary which is still sadly lacking in Burundi.
APPENDIX

NATIONAL CONVENTION OF SEPTEMBER 10, 1994

Agreement towards a Convention of Government between the Forces of Democratic Change consisting of FRODEBU, RPB, PP, PL and the political opposition consisting of UPRONA, RADDES, INKINZO, PDS, ANNADE, ABASA, PIT and PRP.

Preamble

— Witnessing, that the socio-political situation currently reigning in Burundi has thoroughly shaken the confidence among various parts of the population of Burundi as well as the mutual trust between the Burundian population and the governing institutions, organizations and mechanism of State Power;

— Witnessing, that this crisis has its roots in both the distant and the recent past of the history of Burundi;

— Determined to construct a peaceful future to rethink and to restart the process of democratization within a constitutional state in the interest of all citizens irrespective of their socio-political and ethnic affiliations;

— Agreeing firmly to work towards quickly regaining peace, security, confidence and socio-political stability in the country;

— Convinced that to achieve this, a consensus needs to be reached on the basis of a sincere and just reconciliation of interests among the different political partners and the various elements making up the Burundian Nation; fully realizing that achieving this consensus will constitute an essential factor in the fruitful accomplishment of this task;

— Strongly determined to resolve the current crisis in such a way as to foster a lasting peace which may not only restore hope in the population of Burundi but also to guarantee security and prosperity for the present and future generation;

— Convinced, that the current socio-political system ought to be reconsidered and adapted to the existing national reality so as to foster peace, security, and the continuation of the Burundian Nation;

— Considering the poor state of the national economy and the absolute necessity for its recovery;

— Realizing, that the Agreements of Kigobe and Kajaga and the Minutes of the Rohero (Novotel) Agreements were negotiated by political partners who have freely agreed to restore peace, security and confidence within the country;

— Realizing, that constitutional legality must be respected as much as possible;

— Being aware of our responsibilities for instigating the new dynamics of national reconstruction;

— Being aware of the absolute necessity to respect and to implement the contents of the Kigobe and Kajaga Agreements, the Minutes of the Agreements signed at Rohero (Novotel), the Statement issued by both the Government and political parties against instigators of war and in favour of peace and security, and the Minutes of Agreement concerning the division of responsibilities in the Territorial Administration, in the Intelligence Service as well as in the External Services;

— After negotiations held under the auspices of the Burundi Government, acting in capacity of a political partner;

— In the presence of national observers represented by the Bureau du Forum des Négociations and international observers, such as the Special Representative of the UN Secretary General, and Special Representative of the Secretary General of the Organization of African Unity,

HAVE AGREED TO ADOPT THE PRESENT CONVENTION OF GOVERNMENT.
SECTION I. GENERAL MEASURES

Chapter I.—Basic principles for ethical politics

Article 1
The present agreement on a Convention of Government (further on referred to as this Convention) aims at restoring and fostering the values of peace, social justice, patriotism and national unity. Hereby, the political parties pledge to give priority to:
— consider truthfulness of paramount importance;
— strictly respect human rights and individual liberties and freedoms, more specifically, the absolute respect for life.

Article 2
The Convention aims at creating a constitutional state by virtue of:
— the idea of a democratic and fraternal management of power;
— supporting the independence of the courts and the neutrality of the police forces;
— respecting the common good by setting up the necessary mechanism for controlling and supervising of public matters;
— educating the population, particularly the youth in the values of peace and tolerance.

Article 3
Political consensus is a determining factor in restoring peace, security, confidence and stability within the country.

This consensus will be established through a consultative body uniting the political parties and the associations of civic societies under the auspices of the Government.

The latter will set up this consultative body comprising of political parties and the civic societies under the auspices of the Government.

The Government will set up this consultative body within 30 days following the signing of this Convention.

Chapter II—Definition

Article 4
The Convention is an agreement reached by the political parties with the aim to install "institutions of consensus", a return to peace, security and confidence as well as the emergence of a constitutional state and the recovery of the economy.

Article 5
In respect of installation of the above mentioned institutions this Convention abolishes certain clauses of the Constitution which have become inapplicable as a result of the crisis until a national debate will be held about a new Constitution based on democratic principles to guarantee contentment of all citizens.

Article 6
The Convention defines the assignments entrusted to the President of the Republic and to the Government which has emerged from the consensus. It determines the functioning of institutions established on the basis of consensus and defines the particular directives for a good functioning of the State. Until its revision, the Constitution of the Republic shall remain in force except for provisions contradicting this Convention.
Chapter III—Validity

Article 7
This Convention shall be applied to the transitional period which begins on the day of its signing and ends on June 9, 1998.

Article 8
This Convention will not be modified. However, whenever it will be necessary, the Government, together with the consultative body, will be able to propose amendments.

SECTION II. THE MANDATE OF THE PRESIDENT AND OF THE GOVERNMENT

Article 9
The signatories of this Convention entrust the President and the Government formed on the basis of consensus with the implementation of the following mandate:

— The return of peace and security to the country;
— The disarmament of the civil population and the dismantling of the militias;
— The installation of an evenly-balanced National Security Council;
— The return of displaced persons, the repatriation and resettlement of refugees in optimal and secure circumstances;
— The organization of a national dialogue on the major problems facing the country with the purpose to adopt a National Pact on peaceful co-existence among the various components of the nation and the new Constitution;
— Constitutional reforms;
— The education of the population—in particular the youth—in matters related to peace, respect for life, tolerance and democratic values;
— The mobilization of productive activities in all sectors of national economy;
— The recovery of national economy and reconstruction of infrastructure;
— The reconstruction of the management of the public finances and the protection of the national heritage;
— The continuation of national and international enquiries into the events after October 1993;
— To guarantee the independence of courts and strengthening of the judiciary;
— To guarantee and strengthen the respect for the fundamental freedoms of the human being in particular the freedom of expression, of association and of enterprise;
— To study a question of the Burundian diaspora.

SECTION III. THE INSTITUTIONS

Chapter I—The President of the Republic

Article 10
The President of the Republic must have a reassuring personality and should be capable of uniting the peoples of Burundi across their socio-political and ethnic diversity. As the Head of State, his primary task will be to guarantee to every citizen the right of life, respect for his freedoms, and development of his personality.

Article 11
The President of the Republic must not have been involved in any of the tragedies that have characterized our history since independence, in particular not in the coup of October 21, 1993 and in the assassination of the President of the Republic, which the political partners have agreed to refer
to as genocide irrespective of the outcome of the independent international and national inquiries. He must not have been implicated in the destruction of property, in establishment of militias nor in the illegal use and distribution of arms. He must be elected on the basis of consensus of opinion of signatories of this Convention.

**Article 12**

During the period covered by this Convention, the President of the Republic cannot call in foreign troops without the approval of the National Security Council.

**Article 13**

The provisions concerning the designation of the President of the Republic are to be found in the Minutes of Agreement attached to this Convention and they constitute its integral part.

**Article 14**

The duration of the presidency coincides with the period covered by this Convention.

**Article 15**

All administrative, legislative and regulative acts by the President of the Republic must be countersigned by the Prime Minister with the exception of provisions of Article 72, para 1 of the Constitution and the appointments of the members of the cabinet of the Office of the President.

**Chapter II—The National Security Council**

**Article 16**

The National Security Council consults the President on matters of special political importance such as:

- Unexpected exceptional circumstances leading to the declaration of war or the signing of armistice;
- on proclaiming a state of emergency when the institutions of the Republic or the implementation of their international obligations are severely and instantaneously threatened, and when the functioning of these institutions is disrupted;
- in cases of a recourse to a mediation, and in case of foreign intervention;
- the appointments of high military officials and civil servants;
- the promulgation of new laws;
- on the recourse to a referendum;
- the revision of the Constitution.

Whenever necessary, the National Security Council will also be called upon to function as a mediator in disputes between the Institutions of the State.

**Article 17**

The National Security Council consists of:

- The President of the Republic;
- The Prime Minister;
- The Minister of Foreign Affairs and Development Co-operation;
- The Minister of Home Affairs and Public Security;
- The National Defence Minister;
- A representative of the Parties of Democratic Change;
- A representative of the National Council of Unity.
— A representative of the Civil Societies;
— The Permanent Secretary, coming from a political family which differs from that of the President.

**Article 18**

The President of the Republic and the Prime Minister are Members of the National Security Council *ex officio*.

The other members are appointed by the President of the Republic upon recommendation of the political parties, after consultation with the partners of the civic societies. Their mandates coincide with the duration of this Convention.

**Article 19**

The President of the Republic convenes a meeting of the National Security Council at least once a month or whenever a state of affairs requires such a meeting to be held.

**Article 20**

The meeting of the National Security Council can be convened by the President of the Republic upon the expressed request by at least two of its members.

**Article 21**

The meetings of the National Security Council are being chaired by the President of the Republic or, in his absence, by the Prime Minister. The decisions of the National Security Council must be reached by a three quarter majority. In the absence of both the President of the Republic and the Prime Minister, the meeting will be chaired by the eldest member.

**Article 22**

The National Security Council may invite to its meetings any person whose opinion it deems necessary to hear.

**Article 23**

Within 30 days following the signing of this Convention, the Statute and Rules of Procedure will be adopted to define the task and the functions of the National Security Council.

**Chapter III—The Prime Minister**

**Article 24**

The Prime Minister must have a reassuring personality and capable of uniting people. He should come from a political family which is different from that of the President of the Republic. He must not had been involved in any of the tragedies that have characterized our history since independence, in particularly not in the coup of October 21, 1993 and the assassination of the President of the Republic—which the political partners have agreed to refer to as genocide irrespective of the outcome of the national and international inquiries. He must not had been implicated in the destruction of property, in the establishment of militias nor in the illegal use and distribution of arms.

**Article 25**

The Prime Minister is appointed by the President of the Republic upon the expressed recommendation of one or more political parties concerned, and jointly agreed upon after consultations with the other political family and the civic societies.

The Prime Minister co-ordinates all governmental activities. He countersigns all the legislative, administrative and regulative acts by the President of the Republic with the exception of those
arising from Article 72, Paragraph 1 of the Constitution as well as the appointments of the members of the cabinet of the Office of the President.

Chapter IV—The Government

Article 26

In order to provide the conditions for a climate of confidence among the political partners, a coalition government will be installed in accordance with the tasks entrusted to the President of the Republic set forth in Article 9 of this Convention.

Article 27

Except for the Minister of National Defence and the Minister of Justice and Keeper of the Great Seal, the Members of the Government will come from all the political groupings that have signed this Convention in the following proportion: 55% from the Forces of Democratic Change, and 45% from the opposition parties.

Article 28

The Government is appointed by the President of the Republic upon the recommendation of the Prime Minister after consultations about its structure with the political groupings that have signed this Convention. In each case the proposal for appointment must be unanimous.

Article 29

No person will be permitted to join or stay in the Government if he or she was involved in any way in the tragedies that have characterized our history since independence, in particular in the coup of October 21, 1993 and the assassination of the President of the Republic—which the political partners have agreed to refer to as genocide irrespective of the outcome of the independent national and international inquiries. He or she must had not been implicated in destruction of property, in establishment of militias nor in the illegal use and distribution of arms.

Article 30

If a Minister has to leave, for whatever reason, his office, he will be replaced by a person belonging to the same political grouping.

A Minister may leave the Government on the initiative of the President of the Republic and, or of the Prime Minister.

The President of the Republic and, or the Prime Minister, may demand the resignation of any member of the Government who does not act to the letter of this Convention, or does not comply with its spirit or who obstructs the functioning of the Government.

The political party to which the member of the government belongs may, for serious reasons, found acceptable by the officials of a conciliation team, compel him/her to resign.

Article 31

In accordance with the Article 86 of the Constitution, the Government consists of the Prime Minister, the Ministers and, whenever the need arises, the Secretaries of State.

Article 32

During the period covered by this Convention the Government consists of the following portfolios:

1. The Ministry of Foreign Affairs and Development Co-operation;
2. The Ministry of Home Affairs and Public Security;
3. The Ministry of Justice and Keeper of the Great Seal;
4. The Ministry of National Defence;
5. The Ministry of Planning, Development and Reconstruction;
6. The Ministry of Municipal Development;
7. The Ministry for the Return and Resettlement of Displaced Persons and Refugees;
8. The Ministry of Environment;
9. The Ministry of Agriculture and Animal Husbandry;
10. The Ministry of Finance;
11. The Ministry of Commerce, Industry and Tourism;
12. The Ministry of Labour, Handicraft and Vocational training;
13. The Ministry of the Civil Service;
14. The Ministry of Human Rights, Social Action and Emancipation of Women;
15. The Ministry of Youth, Sports and Culture;
16. The Ministry of Public Health;
17. The Ministry of Information;
18. The Ministry of Public Works and Equipment;
19. The Ministry of Transport, Postal Services and Telecommunication;
20. The Ministry of Energy and Mining;
21. The Ministry of Institutional Reform and Relations with the National Assembly;
22. State Secretariat for Development Co-operation;

Chapter V—The National Assembly

Article 33

The National Assembly shall ratify this Convention and its appendices and shall guarantee its strict observance. It cannot change this Convention, neither in the letter nor in the spirit. In accordance with Article 50 of the Constitution, in a spirit of co-operation with the national institutions which have originated from the consensus, and in view of the needs to foster peace and security, the National Assembly shall agree to suspend, for the duration of this Convention, its constitutional prerogatives regarding the procedure for the dismissal of the Government.

Chapter VI—The Judiciary

Article 34

The judiciary shall administer justice in complete independence. The other institutions shall refrain from interfering with the judiciary and shall not obstruct the judicial procedures. The courts, at all levels, shall administer justice in an impartial and equitable way. The High Council of the Courts should see to a rigorous application of a sound jurisdiction in order to guarantee legal protection of the whole population.

Article 35

The courts will act in accordance with their statutes and function in such a way as to guarantee the legal protection of every citizen in an equitable way. They will have at their disposal the necessary personnel and financial resources.

Article 36

The signatories to this Convention demand that within 30 days an international judicial investigation be carried out by competent and impartial persons in circumstances of the coup of October 21, 1993—which the political partners have agreed to refer to as genocide irrespective of the out-
come of the independent national and international inquiries— as well in the various crimes with political overtones which have been committed since October 1993.

Chapter VII—The Administration, the security services and the diplomatic and consular delegations

Article 37

At all levels of the public administration, recruitment and promotion to higher administrative and technical positions should take place in all openness and with respect to relevant statutes and regulations and with observance of objective criteria based on competence.

Article 38

In order to respect, encourage and further the career of the civil servants, during the first few months of the period covered by this Convention a legislative body has to establish a clear-cut distinction between political posts as opposed to administrative and technical posts.

Article 39

All matters relative to the division of responsibilities in the Territorial Administration, the Foreign Service and the Intelligence Service, shall observe the existing Minutes of Agreement among the political families signed on July 12, 1994 as well as amendments signed on July 22, 1994. The effective implementation of these agreements shall start within 30 days after the Government is in place.

Article 40

Any person who was involved in any of the tragedies that have characterized our history since independence, in particular the coup of October 21, 1993 and the assassination of the President of the Republic—in what the political partners have agreed to refer to as genocide irrespective of the outcome of the independent national and international inquiries—or who were implicated in the destruction of property, in the establishment of militias or in the illegal use and distribution of arms, will be automatically excluded from the recruitment to the provincial and municipal administration.

Article 41

In whatever they do, the civil service and the security forces will have to abide by the principle of strict political impartiality. The political actors will rigourously refrain from calling upon them in political activities.


Signed by

The interim President, Sylvestre Ntibantunganya,
The Prime Minister, Anatole Nanyenkiko,

The international observers: The Special Representative of the UN Secretary General in Burundi, Ambassador Ahmedou Ould Abdalla and the special representative of the OAU Secretary General, Ambassador Léandre Bassole,
The Bureau of the Forum: Monsignor Simon Ntamwana, Monsignor Bernard Bududira, Antoine Nijembazi and Vincent Kubwimana

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