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## CHAPTER 6

# Arusha I: the background to the Arusha Peace Accord

On 28 August 1995, the UN Security Council adopted resolution 1012 'to address the violations of international humanitarian law in Burundi' and requested (then) Secretary-General Boutros Boutros-Ghali to establish an International Commission of Enquiry charged with investigating the assassination of Ndadaye and the subsequent violence. Further, the resolution requested that the Commission be mandated to:

recommend measures of a legal, political or administrative natures [sic] ... and measures with regard to the bringing to justice of persons responsible for those acts, to prevent any repetition of deeds similar to those investigated by the commission and, in general, to eradicate impunity and promote national reconciliation in Burundi. (Cited in Graham, Khor, Marnica & Vandendorpe 1995: 16)

In response to this, a five-member commission was appointed, to be chaired by Edilbert Razafindralambo of Madagascar, on 15 September 1995.<sup>1</sup> In addition, Resolution 1012 indicated that other states, UN bodies and international humanitarian organisations should assist in providing information to assist the Commission in fulfilling its aims, and the Burundian authorities and institutions, including all political parties, were prevailed upon to co-operate. The Resolution reflected Boutros-Ghali's emphasis to the Security Council that 'the full co-operation of the Burundian authorities will be a necessary condition for the success of the Commission's work'.<sup>2</sup>

However, by February 1996 the escalating violence in Burundi had worsened. Many erstwhile supporters of FRODEBU and other Hutu militants were alienated by the government's apparent appeasement of Tutsi domination, and increasingly argued that UPRONA, the army and the Tutsi political class would have to be militarily defeated if the Hutu were to enjoy the fruits of democracy. Their sentiments were increasingly endorsed by the thousands of

displaced Rwandan Hutu who now swelled refugee camps in Zaire (DRC) and Tanzania. Their ready access to arms supplies that were flooding the region, and the resulting provocative activities of Hutu militias, persuaded President Ntibantunganya to order the army to move against them. This provided the army with licence to engage in uncontrolled action against the Hutu population, which as a result became increasingly alienated from the civilian government, which was seen as having sold out. By mid-1996, it was estimated that in excess of 150 000 people had been massacred over the previous three years. By February of that year, the UN was warning that 'full-scale civil war and genocide' were possible and the Secretary-General urged the Security Council, via Resolution of 1049 of 1996, to consider the possibility of a standby multinational force to implement rapid humanitarian intervention should this prove necessary. However, any prospect of outside intervention was rejected by the Burundian army, which declared itself 'prepared to confront any expeditionary corps, regardless of its humanitarian or military label'.<sup>3</sup> The Burundian government was strengthened in this resolve by Rwanda, which, following their failures to protect Tutsis from the 1994 genocide, was deeply hostile to the UN (Lemarchand 2001: 95).

The army had already been unnerved by attempts by Ntibantunganya to seek international assistance to save Burundi from outright civil war. He had contacted the Carter Centre, established by former US President Jimmy Carter, to kickstart a peace process. Carter, amongst others (including the OAU),<sup>4</sup> became influential in the search for an individual to whom they could entrust a Burundi peace mission. The name of Julius Nyerere emerged as the leading contender, and the former Tanzanian president<sup>5</sup> received requests to accept the responsibility from, amongst others, Presidents Nelson Mandela of South Africa, Yoweri Museveni of Uganda and Meles Zenawi of Ethiopia (the then Chairman of the OAU). Importantly, too, Nyerere was promoted as the only candidate under consideration who was capable of gaining the confidence of all the different groupings in Burundi by former Burundian President Pierre Buyoya (then writing a book on democracy in the US!) at a meeting on the Great Lakes in Washington. The request that Nyerere accept the role as mediator was formalised by the OAU at summits in Cairo in November 1995 and then in Tunis in March 1996.

The task fell to Nyerere because of his international stature and because his involvement with Burundian politicians went back to the early 1960s (even if

many Tutsis regarded him as suspect as he had openly supported Hutu demands for majority rule). Nyerere was initially reluctant, and insisted on assurances that Burundian politicians were both ready to engage in mediation and prepared to accept him as a mediator. To receive this assurance he made quiet visits to Burundi in October and December 1995, where he spoke with the government, all the major parties, civil society, religious leaders and the army, and former Presidents Bagaza and Buyoya (now back in the country, his writing ambitions apparently postponed). Having ascertained from all the different players and other actors – such as the UN and the French, Belgian and EU ambassadors – that outside intervention was desired and that he was deemed the person best suited to mediate, Nyerere made four other trips to Burundi to prepare the ground for formal talks (Bunting et al. 1999: 2–3).

### **Early summits: Mwanza and Arusha I, April–July 1996**

Talks began with two meetings in Mwanza, Tanzania, in April and May 1996, at which Nyerere drew UPRONA and FRODEBU together to negotiate as the two parties represented in parliament. However, little was achieved as the latter refused UPRONA's demands that it condemn the Hutu militias, and the former declined Nyerere's demands that the government negotiate with the rebels. It was under these circumstances, with Museveni playing a key role at the instigation of Nyerere, that the regional heads of state called a summit on Burundi in Arusha in June 1996.<sup>6</sup> This and other subsequent meetings are referred to here collectively as Arusha I.<sup>7</sup>

In addition to UPRONA and FRODEBU, smaller parties were invited to make the gathering more inclusive, but at the summit Nyerere and Presidents Mkapa and Museveni of Tanzania and Uganda respectively urged Ntibantunganya and Prime Minister Antoine Nduwayo to request the intervention of a regional peacekeeping force, which would be principally composed of troops from their countries. The latter was unenthusiastic, but joined Ntibantunganya in agreeing to do so (Mthembu-Salter 2002: 26–27).<sup>8</sup>

Yet this was a step too far for a military which was used to holding sway within its own territory. Faced by the looming prospect of foreign intervention, the army once again stepped into the political arena to assume control on 25 July 1996. With Ntibantunganya politically paralysed after being holed up in the

US Embassy (to where he had been chased by Hutus after attending the funeral of 300 Tutsi killed by Hutu militias), the military removed the government and once again installed Buyoya as president, citing the restoration of order as its motive. Having presided over the return to democracy in 1993, Buyoya could lay claim to being a unifier, underlining this by appointing Pascal-Firmin Ndimira, who, although from UPRONA, was a Hutu, as prime minister. Again, although the majority of the cabinet was composed of Tutsi, the government included Hutu from both UPRONA and FRODEBU, and sketched out a three-year transition to democracy. In the meantime, parliament was suspended and political parties were banned. Hence, notwithstanding the appointment of a façade civilian government, the army's latest intervention only served to convince many Hutu political activists that their remaining hope for political salvation lay in military victory.

Neighbouring governments, fearing the further destabilisation of the already highly volatile Great Lakes region, denounced the coup as intended to sabotage the peace process, even if Kigali was quietly supportive. Yet they made no moves to despatch an intervention force. This was in part because Nyerere was opposed to military intervention because he thought that it was likely to complicate the situation further. Yet apart from the fact that regional leaders were probably reluctant to pit their armies against the battle-hardened Burundian military, they were also aware that they did not have the resources to deploy their armies in Burundi and sustain them there without backing from the great powers via a Security Council resolution (and Nyerere had been informed in New York that this would not be forthcoming) (Bunting et al. 1999: 5). Meanwhile, although they were disinclined to deal with Buyoya, they were persuaded to do so by Nyerere, who argued that if they were not prepared to displace him they were logically bound to talk with him, if only because he was a Tutsi, he had the ear of the army, and not least, he had set up and made way for elections in 1993. Consequently, only six days after the coup, regional leaders again convened at a further summit on Burundi.

At the Arusha meeting convened on 31 July 1996, the regional leaders found an alternative to military intervention in the form of the imposition of a blockade on all trade with Burundi. Nyerere was insistent that the embargo was the most effective means of international coercion available (Mthembu-Salter 2002: 27–28), and overcame the reservations of Presidents Museveni

and Kagame. The EU and the US, which had frozen humanitarian aid to the country some months previously on the grounds that it was inappropriate whilst conflict continued, remained silent on the issue of sanctions, but generally endorsed the regional initiative, as did the UN.<sup>9</sup> In practice, Kagame in particular was to look the other way when truckloads of commodities made their way into Burundi in violation of the embargo, yet nonetheless the sanctions severely affected the economy and served as a constant reminder of the Buyoya government's international illegitimacy (Lemarchand 2001: 92).

## **The road to Arusha II, August 1996–June 1998**

Whereas most Hutu politicians welcomed the embargo as an example of forceful diplomacy aimed at pushing the Tutsi elite into negotiations, the latter condemned it as a hostile act and as proof of Nyerere's partiality. Consequently, the government effectively withdrew from the regional peace process for the next two years. In the meantime it launched a vigorous and not unsuccessful campaign against sanctions, gaining considerable support from the different groups affected such as the business community, civil society groups and not least, various humanitarian agencies which argued for a dropping of restrictions on the import of such items as emergency supplies and medicines. Given also the practical difficulties of implementing and monitoring sanctions, the regional governments were soon to resort to offering a steady relaxation of sanctions as a carrot to induce the government back into negotiations.

In the meantime, however, the government embarked upon a twin-track policy. On the one hand, whilst denying that he was acting in response to external pressure, Buoyoya lifted his ban on political parties in September 1996 and announced the imminent reinstatement of the National Assembly of 1993 (even though the majority of FRODEBU's deputies had either been killed or had fled the country). Then, when the regional governments insisted that they would only lift the sanctions once the Burundi government had agreed to return to fully inclusive and open-ended negotiations, he embarked upon the second plank of his strategy whereby he opened unilateral, internal talks with opposition parties as an alternative to the regional peace process. Negotiations with the CNDD began in Rome in September 1996, and made

some progress. However, they came to an abrupt halt in May 1997 following deadlock over the refusal of the government to restore constitutional order. After this, Buyoya opened negotiations with members of FRODEBU who had remained in Burundi after the coup. In these he fared better, and in May 1998 he was able to announce an agreement whereby FRODEBU was brought back into government. However, the impact of this was severely lessened by condemnation of the move by FRODEBU members outside the country and a subsequent split in the party. All the while, the death toll in the civil war rose incessantly, notably in the so-called *regroupement* camps, which had been established to provide accommodation for displaced people and refugees returning from neighbouring countries. These deaths resulted not only from appalling conditions, but also summary executions by Hutu militants (Mthembu-Salter 2002: 27–28).

On 29 July, after consultations with special envoys to the Great Lakes regions, Nyerere announced the convening of All Party Talks on 25 August 1997. However, at the last minute, despite prior indications that it would come to this third Arusha summit, the Buyoya government declined to send a delegation and refused permission for other parties inside Burundi to attend. Nonetheless, delegations from political parties outside Burundi or those who had already left Burundi before the government had imposed its ban, met and made various declarations, most notably insisting that sanctions be maintained and that further measures might be implemented to deal with obstructions to the negotiation process.

In reflecting upon the dynamics of this situation, Nyerere decided that without external involvement including sanctions, parliament would have been abolished, political parties would have remained banned, Buyoya's opponents would have been in jail or dead, and Nyangoma (leader of the CNDD) would have been collaborating with the *Interahamwe* (the genocidal, Rwandan Hutu, rebel militia). There was therefore opportunity for applying leverage to secure further concessions, including the need for an international tribunal on past violence in Burundi, so long as it was linked to a renewal of development assistance.<sup>10</sup> At the same time, however, Nyerere was concerned that his own role, notably any distrust felt towards him by Tutsi, should not become an obstacle to peace. He therefore offered to stand down as mediator, and had to be persuaded by the summit that his involvement remained crucial if a negotiated settlement was to be achieved (Bunting et al. 1999: 6–7).<sup>11</sup>

Faced by the impasse, and keen to secure an end to sanctions, Buyoya at last agreed to re-engage with the regional governments, and to attend a second round of negotiations in Arusha which began in June 1998 (Arusha II). Mediated by Nyerere, this was attended by 19 delegations from Burundi, 17 from political parties, and one each from the government and national assembly. It was also attended by President Moi of Kenya, President Museveni of Uganda, President Bizimingu of Rwanda, and Prime Ministers Zenawi and Kengo wa Dondo of Ethiopia and Zaire respectively, and was hosted by President Mkapa of Tanzania. Their presence reflected the gravity of the situation in Burundi for the Great Lakes region and Africa as a whole. Because the regional heads of state declined Buyoya's immediate request to lift sanctions before they could be assured of his government's good intentions, the first bout of these latest talks made little progress. Even so, the resumption of negotiations inaugurated a series of events which culminated in the signing of the Arusha Accord in August 2000, which still provides the present framework for peace.

### Notes

- 1 The other four members were Abde El Ali El Moumni (Morocco), Mehmet Guney (Turkey), Luis Herrera Marcano (Venezuela) and Michel Maurice (Canada) (*UN Chronicle*, December 1995, 32(4)).
- 2 *UN Chronicle*, December 1995, 32(4).
- 3 *UN Chronicle*, Spring 1996, 33(1).
- 4 'I came initially (to Burundi) with an offer from the OAU to all parties to come to Addis. Facilities would be put at their disposal to discuss their business. Yet I was told that Burundi's business could only be discussed in Burundi. I got the same response next time I came as well. Yet ordinary Burundians wanted such a meeting – so we tried for a meeting in Nairobi... I saw Nyerere on behalf of the OAU, and asked him to open negotiations between Burundians... Nyerere put pressure on Museveni, and I played a role in pushing Nyerere. So we have always been working for a compromise.' Ambassador Mamadou Bah Theirno Gobihi, African Union Ambassador to Burundi, interview with authors, 12 March 2003.
- 5 Nyerere had retired from the presidency in 1985.
- 6 'Prior to the meeting, consultations had taken place between President Ntibantunganya and Mwalimu (Nyerere) in Dodoma, Tanzania (20 June), between

Prime Minister Nduwayo and President Museveni in Kampala (22–23 June) and between President Ntibantunganya, Prime Minister Nduwayo and the Burundian National Security Council in Bujumbura (24 June 1996)’ (Bunting et al. 1999: 4).

- 7 Given the plethora of meetings there is some confusion in the literature as to whether each and every meeting in Arusha deserves its own appellation. This can lead us all the way up to Arusha V by June 1998. However, we are following what we believe to be the more conventional usage by referring to the various meetings at Arusha before June 1998 as Arusha I, and the meetings that happened after that, and which led up to the Arusha Accord in August 2000 as Arusha II.
- 8 Yet perceptions differ. Bunting et al. (1999: 4) suggest that Ntibantunganya and Nduwayo ‘surprised’ the regional heads of state by themselves making the request for an international peacekeeping force.
- 9 See UN Security Council Resolution 1072 of 1996 which reiterated its support for the Joint Communique of the Summit. See S/RES/1072 (1996). Full text of this and earlier resolutions at <http://www.un.org>.
- 10 Unwritten, undated handwritten memorandum by Nyerere concerning exchanges with Buyoya (Mwalimu Nyerere Foundation 1997). (Content indicates it was written in 1997).
- 11 Mthembu-Salter cites Nyerere offering to resign in May, but Bunting et al. cite a statement from the September summit requesting him to remain as mediator.