

LESSONS LEARNED FROM THE RWANDA EMERGENCY

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AN HISTORICAL REVIEW OF BURUNDI'S HOPES AND FEARS

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I. INTRODUCTION

1. In view of growing concern over the future Burundi, it is necessary to present, albeit in a condensed manner, the main points in the country's dramatic history, and to identify differences with that of Rwanda. Burundi's political history was influenced by the "social revolution" in Rwanda, and, as a result of political and ethnic power struggles, the government was dominated by the Tutsi minority from 1961 to 1993.

2. Burundi was a constitutional monarchy from 1961 to 1966, and became independent in July 1962. The country suffered political and governmental crises from 1962 to 1966, and became a republic in November 1966 following a coup. The "Bururi Group" took power, and following the 1972 events, Tutsi supremacy reigned at all levels in society. The second republic (1976-1987) was a period of "national reconciliation", with the abolition of capitation tax, the suppression of traditional types of exploitation, recuperation of land owned by the exiles of 1972-1973, and restructuring of the communal administration. As was the case in Rwanda, the political power in Burundi wanted to be seen as moderate, and above ethnic differences. Very quickly, however, in the absence of a constitutional basis, power became authoritarian and despotic. The ever-present sectarian reactions of extremists from both sides, together with poor economic management, led to the military pronouncement on 3 September 1987.

3. Overall, the decade from 1976 to 1987 and its "second republic" were conducive, through "national dialogue", to a high level of scolarity, the forging of common destinies between peasants from the hills, and the increase of inter-ethnic marriages. This "national dialogue" carries its own demands such as greater freedom of expression and organization, a fairer distribution of scarce resources, and increased transparency in the functioning of political power. Well-informed observers of the Burundi question recognise that the five years of President Buyoya's regime permitted an important rebalancing of power. This was the case at state level, with the arrival of Hutu ministers, and at the commercial level with the introduction, mainly in central areas of the country, of Hutus in commercial activities. However, certain branches, such as the magistracy and the army, and certain strong economic positions, remained under strong ethnic and regional control, as did access to social mobility, and to property which allowed for secondary and higher education.

4. At the end of 1988, with the nomination of a Hutu Prime Minister, Mr Adrien Sibomana, an important national debate was held on the question of ethnic conflicts and national unity. The events of recent years indicate that the Buyoya/Sibomana tandem benefited from the support of extremist Tutsi and Hutu groups, and that its success was due mostly to its capacity to delay or prevent the questioning of privileges of one group, and to calm any impatience on the part of the others.

5. The election of Hutu president Melchior Ndadaye in June 1993, and of a parliament dominated by partisans of the Front for Democracy in Burundi (FRODEBU) was the last step in a process of democratic transition which all observers have judged as exemplary. The procedures for setting up the new political power, the dignity of the outgoing team, the firm commitment of President Melchior Ndaye in favour of human rights and democracy, the broad political amnesty, the beginning of a return of 1972 refugees, were all favourable precursors to a durable national reconciliation.

II. FROM ONE CRISIS TO THE NEXT : A PATTERN OF INCREASING VIOLENCE IN BURUNDI

6. The history of modern Burundi begins with the assassination of Prince Louis Rwagasore on 13 October 1961. Prince Louis, the King's son, was one of the original founders of the Party for Unity and National Progress (UPRONA), which won the first parliamentary elections in 1961. UPRONAZ objective was to attempt a new experience and transcend ethnic differences, as reflected in its internal composition and political programme, and its desire to reconcile a national progressive system with the existing monarchy.

7. According to a number of historians and observers of political life in Burundi, the death of Prince Louis Rwagasore marked the beginning of a period during which political passions, and the use of violence, originally limited to the political class, were to permeate gradually throughout society. Both verbal and physical, this violence was linked with ethnicity, and coincided with the appearance of a political strategy favouring restrictive and exclusive identities and solidarity.

8. Independent in 1962, and in a politically static situation, with lethargic institutions and an unstable government, Burundi in the 1960s was a sad preview of the past two years (1993-1995). During that period, members of parliament were elected exclusively for ethnic reasons, a prime minister was chosen from a group not holding a parliamentary majority, that same minority rejected in turn the legitimacy of all elections, and a social minority was marginalized .

9. From a parliamentary monarchy (1962-1965), Burundi moved into the first republic (1966-1976) and UPRONA became the only party, with the ethnic retreat of a political class, of a social elite, motivated by a strategy of self-defence or in anticipation of persecution. In 1972, following a Hutu rebellion in the South of the country, several thousand Batutsi were massacred. The repression, led by the army and supported by political organizations affiliated to the single party, suggested the existence of a plan, and affected, in addition to Bahutu intellectuals, a number of affluent persons and certain liberal Batutsi opponents. Some 20,00 persons, out of a population of 3 to 4 million, died during these pogroms.

10. Other dramatic events in 1973, in August 1988, in November 1991, failed to produce any political solution which would, in one way or another, have enabled a return to a process of national reconciliation. The tragic events which have marked political life in Burundi over the past 35 years stem, in fact, from the arbitrary control of the judiciary and from official amnesia adopted by successive governments. In the eyes of successive victims' families, the amnesic reaction strengthens the feeling of humiliation, favours increased violence and foments a spirit of revenge. As C. Thibon very aptly states in the magazine *Studia Africana* what is not said takes the upper hand in political strategies, invades the social entity, determines in crisis situations the perceptions which justify preventive violence and genocidal behaviour."

III. PROSPECTS FOR A DARK FUTURE: JULY 1993 TO OCTOBER 1993

11. As of June 1993, FRODEBU held the reins of power and very quickly set itself apart very quickly from the extremist and radicals of the Palipehutu. Nevertheless, within FRODEBU itself, there remained a split between those who wish to consolidate political positions within the government, leaving for a later stage the reconquering of Tutsi economic positions, and those who want to pursue the ethnic fight to the end.

12. Within UPRONA, the political choices, electoral procedures, and the weaknesses of the new FRODEBU?? proved to be enough to reactivate the support of frustrated militants and political???. Civil servants members of UPRONA, regardless of ethnic affiliation, were replaced by members of FRODEBU and press censorship was reinstated. In the National Assembly, in the absence of a democratic dialogue, there was a risk of dictatorship on the part of FRODEBU. The latter was powerful in terms of numbers but did not have the UPRONA's experience in state management. Once again, the most important problem, which led to a collapse of the democratic process, was the reintegration of returnees. Since June 1993, thousands of refugees, mainly from Tanzania, returned to the country. The legal disputes over land between returnees and persons having occupied their land, led to dispossession of a number of land owners, who became displaced persons. The ad hoc and biased manner in which this delicate problem was approached created strong resentment, and the President was obliged to visit the South of the country. In his speech at Makamba, in early October 1993, he appealed to the Burundi people's "generosity and to their spirit of burden-sharing", and asked that the "illness" of ethnicity be combated.

13. Political events in the night of 20 to 21 October 1993 precluded the realization of political objective will and put an end to the democratic process. When the death of President Ndadaye was announced by Radio Kigali, a systematic massacre of Hutus and Tutsis of UPRONA erupted in several regions in the country. The killers allegedly benefited from support at local level of new political and administrative leaders. Thousands of Tutsis managed to escape the massacres and regrouped in small administrative centres inside the country, and some 600,000 to 700,000 Hutu, fearing reprisals from the army, sought exile in Rwanda and Tanzania.

IV. INSTITUTIONAL CRISIS: OCTOBER 1993 - OCTOBER 1994

14. The coup of the night of 20 to 21 October 1993 was denounced by political party leaders, human rights organizations, and Church leaders. Public opinion refused to back up the National Council for Public Safety installed after the coup. Three days later, police and army leaders also condemned the coup, and two weeks later reiterated "their entire loyalty to the government, and their determination to uphold democratic institutions," In this same statement of 13 November, these leaders confirmed their "willingness to cooperate in restoring confidence at all levels".

15. Apart from the fact that part of the government sought asylum with the French embassy, the most outstanding event of November 1993 was the request made by several members of the Kinigi government, of FRODEBU and other parties close to power, to the OAU, asking that the OAU send a mission to protect and re-establish confidence in Burundi (MIPROBU). The opposition and the military strongly disagreed.

Following consultations between the Kinigi government and the military, the principle of an international mission for protection and observation for the reestablishment of confidence (MIOB) was accepted. This mission, which arrived during 1994, included 47 officers instead of the 200 originally planned.

16. However, it was only after the arrival in Bujumbura of the Secretary General's Special Envoy on 25 November 1993, that several Burundian political leaders started to resume their activities, and that real efforts were undertaken to promote peace in the provinces. Secondary and primary schools re-opened shortly before Christmas, and universities in mid-January. In the meantime, on 22 December, Sylvester Ntibantunganya, then Minister of External Affairs and Cooperation, and president ad interim of the FRODEBU, resigned from these functions, and was elected President of the National Assembly.

17. The Constitution did not have any provision for the lack of a President, and to make matters worse, Article 182 stipulated that the Constitution could not be revised in cases of "serious internal trouble". Persistent tensions in the country prevented the allowing of general elections. A solution to this delicate problem was found in the amendment of Article 85 of the Constitution, stipulating that in future, in case of the disappearance of the President of the Republic, he would be replaced until the end of his term by a member of the party holding parliamentary majority. This decision caused the first day of "ville morte" in Bujumbura on 6 January 1994 and the Constitutional Court was taken over by numerous prominent members of opposition parties.

18. On 12 and 13 January, negotiations were held in Bujumbura in the palaces of Kigobe and Kajaga, involving all political parties, in order to restore peace and the country's presidency. The result was a consensus in favour of Mr Cyprien Ntaryamira, and the Constitutional Court was requested to make this choice official by confirming the legitimacy of the presidential election. The Court seemed to hesitate, and the National Assembly decided to revoke it. On 30 January, members of the Constitutional Court published a press communique stating that the National Assembly had overstepped its rights and that revoking the Court was "unconstitutional, illegal and therefore nul and void." The opposition parties organized a series of "villes mortes", but the elected president was sworn in by the National Assembly, contrary to the Constitution. Insecurity regained strength in all regions, particularly in Bujumbura. Weapons were distributed in all parts of town and in various provinces.

19. The new president and his government carried out peace-promoting tours in the various districts of the capital. President C. Ntaryamira was then invited, along with the Rwandese Head of State, by the Dar-Es-Salaam authorities, in order to review the question of security in the sub-region. He died in Kigali on 6 April 1994.

20. Following numerous refusals to establish a state of law, mutual rejections, and "ville morte" operations which frequently degenerated and provoked many deaths, the political, social and moral forces resumed talks on 6 July 1994. These discussions led to the adoption, in mid-September, of a government convention between the Forces for democratic change (FCD), supported by the FRODEBU and the Coalition of opposition political parties (CPPO). This Charter insisted on the

restoration of peace, which implied not only disarming the population as a whole in all of the territory, but also forbidding articles, publications, and teachings which promote inter-ethnic hatred and violence. The Charter splits power in two equal halves between each of the forces present and underlines the need to redefine a new "national pact" which would result from a debate on difficult questions such as protection of political and ethnic minorities, defense and security, and independence of magistrates.

V. UNHCR AND THE POLITICAL CRISES IN BURUNDI

21. The first influxes of Burundis into Tanzania and Zaire took place in 1965 when civil strife followed aborted elections. Another important influx (approximately 150,000 persons over a two-year period) was seen in 1972-1973, following the events described above. The Burundi refugees initially settled in the Kigoma and Kagera regions of Tanzania, and were later installed in the rural zones of Ulyankulu (1973, 25,000 persons), Katunuba (1974, 80,000 persons) and Mishamo (1978, 35,000 persons), respectively in the regions of Tabora and Rukiva. In addition, some 20,000 other refugees remained in Kagera and Kigoma.

22. Some 60,000 refugees fled towards Rwanda in August when ethnic violence stuck once again. Following the events which took place in 1991, some 35,000 persons moved into South Kivu, and several hundreds to Tanzania and Rwanda.

23. During the last three decades, Tanzania has been the main asylum country for Burundian refugees. UNHCR, backed by Tanzanian authorities, has focused on durable solutions, mainly local settlement and naturalisation of all persons interested along the government's open policy.

VI. PLAN OF ACTION FOR REPATRIATION OF BURUNDIAN REFUGEES

24. During its extraordinary congress in December 1990, the UPRONA, which was in power at the time, decided to encourage the return of all Burundian refugees and other persons of Burundi nationality. As of January 1991, a National Commission for the return, reception and reinsertion of returnees was created, and contact were made with asylum countries to explain to Burundian refugees the Government's new policy of voluntary repatriation. In Tanzania, these contacts led to the signature of a Tripartite Agreement signed by the Governments of Tanzania and Burundi, and UNHCR. The Agreement covered the creation of a Technical Working Group (GTT) in charge of promoting durable solutions in favour of Burundian refugees. In the meantime, a number of Burundians in exile started to return spontaneously.

25. The GTT set up by the above-mentioned Agreement met in Burundi and Tanzania, visited the areas of return in Burundi, and undertook a first information campaign in the areas of Tanzania where Burundian refugees were settled. Amongst others, the GTT requested that all three parties to the Agreement of 27 August 1991 make preparations for the organized repatriation of Burundian refugees, the great majority of whom lived in Tanzania. In the meantime, UNHCR set up an emergency assistance programme in Burundi to assist spontaneous returnees. This first assistance programme covered the period from July to December 1991.

26. Given the spontaneous influx of increasing numbers of Burundian refugees in Tanzania, the GTT also sought the establishment of a short-term plan of action, which would include reopening UNHCR's office in Kigoma, undertaking a census of Burundian refugees in Tanzania, recording potential voluntary repatriants, the adoption by the Government of Burundi of confidence-building measures, the intensification of the information campaign in favour of durable solutions for Burundian refugees, and the preparation by UNHCR of an assistance programme for voluntary repatriation. The results of the census and the negotiation of candidates for voluntary repatriation in Tanzania placed the number of persons wishing to return to their country at around 20,000.

27. Burundi continued to welcome back its nationals from Rwanda as well as those who had recently gone into exile during the armed conflict in November and December 1991. More than 30,00 of these persons had taken refuge in South Kivu/Zaire, and another 7,000 had gone to the southern regions of Rwanda. The great majority of these two groups repatriated spontaneously. Some 4,000 remained in South Kivu and about 1,000 in Rwanda; with the option of voluntary return to Burundi. 28. The role of UNHCR in Burundi has been to assist the Government with its assistance programme for the reintegration of returnees and to ensure their protection, according to commitments made in the Tripartite Agreement of 27 August 1991 and the statement made by the Government of Burundi on United Nations Day, 24 October 1992. In this statement, the Government clearly indicated that "in accordance with Article 5 of the OAU convention related to refugee problems in Africa, refugees who return voluntarily to Burundi are not, and will not be, subject to any reprisals, neither with regard to the security situation which prevailed in the past, nor for their participation in political activities during their exile. Furthermore, the Government has established a programme to assist these persons so that they may return and reintegrate society in all dignity".

VII. CONCLUSIONS

29. As much for Rwanda as for Burundi, and without undue pessimism, one could say: a heavy past, a dramatic present and a somber future. For over thirty years, there has been a consolidation of "Hutu" power in Rwanda. During this same period, the "Tutsi" ?? have consolidated their power in Burundi. In both countries, a loosening of the internal political situation has led to an arduous conquest of democratic rights, and a perilous apprenticeship of the rules of peaceful confrontation of persons and social projects. Could the failure of the democratic process in both these countries could be seen as caused by "the immature nature of a people", by the disqualification of a whole ethnic group, of a whole country, or even a whole continent?

30. The objective of this document was not to explain the evolution of violence and the loss of a moral framework caused by collective impunity, announced or condoned by the authorities in both countries. Neither was it to present a comprehensive analysis of the future dramas that may be enacted in Rwanda and Burundi. It may be preferable to leave it to the sociologists and politicians to continue debating the inner mechanisms of ethnicity and the repetitive arguments often contradictory and difficult to prove or develop

31. Genocide, implacable scenarios, actual or announced, and horrendous massacres are not, fortunately, a fatality, nor are they an inevitable component of the "transition to democracy" as has sometimes been said or thought. The transition failed because of insufficient commitment on the part of both past and present political actors. In both countries, serious political and intellectual changes are required.

- the end of the ethnic policy as a means of mass mobilization,
- the material and economic rehabilitation of institutional and political frameworks to address the security considerations related to the return of refugees, (the inevitable dependence and need for external assistance do not facilitate this process, but underline the need to build from a solid base).
- the end of total impunity, with clear objectives, a specific timeframe and adequate means. The absence of such measures would lead either to an apparent peace to the pursuit of war, and to continued tensions.