



Situation Report

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Burundi Update: A new hat for AMIB?

Introduction

The cease-fire agreement signed in November 2003 between the transitional government of Burundi (TGoB) and the National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD- FDD), was generally seen as marking a decisive turn in the peace process, creating the necessary conditions for a United Nations mission to take over the African Union's Mission in Burundi (AMIB). This was certainly the view expressed by Mr Jacob Zuma, Deputy President of South Africa and Facilitator of the Burundi peace process during a briefing to the United Nations' Security Council on 4 December 2003.

South Africa's exceptional contribution to peace in Burundi was applauded by the Security Council, as was the leading role played by AMIB, which had given continuity to the efforts of those Burundians committed to a peaceful settlement of the deadly decade-long conflict. At the same time, several members expressed concern that the Party for the Liberation of the Hutu-National Liberation Front (Palipehutu-FNL) remained outside the peace process and that the Amsterdam and Nairobi negotiations at which this group met the TGoB had failed to produce the much hoped for results.

In fact, Security Council members felt that the lack of a cease-fire agreement with the Palipehutu-FNL posed a problem that had to be dealt with before peace could take a firm hold, warning that the dissident group could serve as a magnet to those who opposed the agreements and subsequent protocols already reached. Deputy President Zuma, however, reasoned that the process had achieved conditions sufficiently encouraging for the UN to express its support and solidarity by taking over the functions of AMIB, through the deployment of a UN peace-keeping operation.

This situation report gives an update of the military and political situation in Burundi, providing some comments on the possibility of a UN peace-keeping mission taking over AMIB.

The military situation

The security situation in Burundi has improved considerably since November 2003. For the first time in ten years, the country seems to be moving on a definite path towards putting an end to the civil war. As was discussed in detail in previous ASAP situation reports, the most significant

step in this direction was the inclusive cease-fire agreement signed on 16 November 2003 by the TGoB and the CNDD-FDD movement of Jean Pierre Nkurunziza in Dar Es Salaam, Tanzania. Since then, both the CNDD-FDD and the Burundian Army (FAB) have respected the agreement and there has been an effective cessation of hostilities throughout most of the country. This is not the situation in Bujumbura Rural, however, where the Palipehutu-FNL continues fighting against a new and largely unexpected coalition of the FAB and the FDD (the CNDD-FDD's military wing).

Negotiations with the FNL: 18 to 20 January 2004

There was hope that the current hostilities might end as a result of the progress made in the negotiations that took place in the Netherlands between the Palipehutu-FNL delegation headed by Ibrahim Ntakirutimana and TgoB representatives led by President Domitien Ndayizeye. For the first time, the FNL has recognised Domitien Ndayizeye as President of the Republic of Burundi. The parties agreed on the need for an end to the violence as a step towards confidence-building and dialogue. Furthermore, they agreed that another round of talks should be held in the near future and that an international inquiry into the murder in Burundi of the papal nuncio, Monsignor Michael Courtney, should be pursued.

However, the FNL's willingness to negotiate was, in part, a response to the military pressure exerted on it by the FAB/FDD. In fact, the resumption of negotiations has recently failed as a result of an offensive by FAB/FDD troops on FNL positions in Bujumbura Rural. This 'stick and carrot' approach may in fact constitute an obstacle for a serious resolution of the remaining insurgency in Burundi. Is the FNL truly committed to negotiations, is it being forced to the table by military pressure, or is the latter tactic counterproductive?

It should be noted that, although the military pressure on the FNL was initially useful in bringing it to the negotiating table, it should now be removed so that confidence building and long-lasting peace efforts can take root. The November 2003 Summit issued a clear ultimatum to the FNL to join the peace process and finalise negotiations within three months. The three months have now expired, and in the absence of any indication that the FNL will soon join the process, Burundi is now requesting the Summit to act against the FNL.

Implementation of the FAB/FDD cease-fire agreement

In addition to their cessation of hostilities, the FAB and FDD already respect and are implementing their cease-fire agreement. Since the beginning of December 2003, the CNDD-FDD has been integrated into the transitional institutions, as provided by the global agreement. In addition, an integrated command of FAB plus FDD charged with implementing the army reform process is already working on an elaborate integration plan for all former rebel fighters.

The cease-fire agreement provides for a process of reform of the armed services with a simultaneous integration of the two parts FAB and FDD, followed by the creation of a new Burundi National Defence Force (BNDF). On 15 December 2003, President Ndayizeye appointed Brigadier General Adolphe Nshimirimana, former chief of staff of CNDD-FDD, to the position of deputy chief of staff of the Burundi National Defence Force. The president

also signed a decree appointing 33 members to the Joint Military High Command, 20 from the FAB and 13 from the FDD, and signed another decree outlining the mandate of the Joint Command. At the same time, the Joint Cease-fire Commission (JCC) of the UN Office in Burundi (UNOB), which works with all the belligerents, proposed a Joint Operation Plan (JOP) for disarmament and demobilisation.

Both the FAB and the FDD have shown their willingness to implement the agreements by disengaging their forces and assembling them in specific areas. AMIB, which is responsible for the cantonment and disarmament of combatants prior to their demobilisation and reintegration, needs resources to carry out its mandate effectively. The lack of adequate resources has forced AMIB to remain largely outside the process, limiting its activities to protecting convoys, providing food supplies to the FDD and protecting the FDD cantonment area from Jean-Bosco Ndayikengurukiye's FDD faction. And, because FDD fighters experience deplorable conditions in the assembly areas, they tend not to stay, and the vast majority is mixed among the population at large. This situation is a dangerous one, which places the whole process at risk of being disrupted. The FDD fighters need to be confined to the assembly areas and given sufficient aid and medical assistance.

The process is also being undermined by an obvious lack of logistical support. Without adequate and sustainable support from the international community, the goodwill of the Burundians will not be enough for the implementation of the DD&R (disarmament, demobilisation and reintegration) provisions of the process. In fact, the only support provided by the international community is the delivery of food financed by European countries through the World Food Programme. UNOB does not have any funds at its disposal for these purposes, and through the JCC has asked for World Bank support under the Multi-Country Demobilization and Reintegration Programme (MDRP). Yet, MDRP support applies only to disarmed fighters and although the global agreement and the Joint Operation Plan presented to the belligerents requires the disarmament of the fighters, the CNDD-FDD has not accepted this, compromising possible support from the international community.

Furthermore, as will be discussed below, AMIB will soon be required to take full responsibility for the maintenance of its troops when the period allocated for self-sustainment by the respective troop-contributing countries, namely South Africa, Mozambique and Ethiopia, comes to an end.

The TGoB now includes representatives of the three rebel groups that have signed cease-fire agreements — a clear signal of a political commitment to achieving peace. Another practical demonstration of this is the smooth and proficient manner in which the presidential rotation took place in May 2003.

Pierre Buyoya, from the Tutsi political family, vacated the office and was replaced by President Ndayizeye, from the Hutu political family. The country has also successfully completed the first two-thirds of the transitional period, at the end of which, in eight months' time, a democratically elected legislature and executive should be in place to replace the transitional government's institutions.

The implementation of the comprehensive cease-fire agreement concluded on 16 November 2003 has thus far been relatively satisfactory in terms of

the agreed timetable for the political process. On 23 November 2003, President Ndayizeye appointed a new cabinet, composed of 27 members, including four CNDD–FDD members. The latter have officially taken office, including Nkurunziza, leader of the movement, who was appointed State Minister for Good Governance and State Inspection.

On 1 March 2004, President Ndayizeye met with leaders of political parties and former rebel groups to discuss preparations for the general elections. The main topics discussed included the repatriation of refugees, assistance to displaced people, disarmament and demobilisation. President Ndayizeye deems elections cannot likely be held before November if combatants from rebel movements do not lay down their weapons.

The organisation of the elections is currently causing considerable tension in Bujumbura, however. The three main groups, Frodebu, Uprona and the CNDD, agree that elections should be held, but have not reached a consensus on how to conduct them. In addition, all the political parties in Burundi are asking that the FDD forces be separated from the civilian population to allow for campaigning and the recruitment of members. Parliament must also urgently adopt a post- transitional constitution and an electoral law. Frodebu wants these texts to be based on the Arusha Agreement, which stipulates that the first president has to be elected by the parliament and that the electoral system must guarantee a legislative representation of 33% Tutsi and 66% Hutu. Uprona argues that the prerogatives foreseen in the Arusha Agreement are not sufficient and that the organic laws must guarantee not only an ethnic balance but also a political balance. The CNDD–FDD in turn rejects the propositions of Arusha and is demanding a national debate on the matter.

The current situation is, therefore, that a new constitution still needs to be negotiated and submitted to a national referendum, and an electoral law and code drafted. Moreover, about one million refugees and internally displaced people must be resettled and the population still needs voter education. Taking this into consideration, it will be difficult, if not impossible, for Burundi to hold elections in November as planned.

AMIB currently includes a military component comprising contingents from Mozambique, Ethiopia and South Africa. It also has a military observer component of 43 members from Burkina Faso, Gabon, Mali, Togo and Tunisia. The total strength of the force is 2,656. AMIB is tasked with overseeing the implementation of the ceasefire agreements, supporting the disarmament and demobilisation initiatives and contributing to political and economical stability in Burundi.

As already pointed out, the mission requires resources to carry out its mandate effectively. The UN Department of Peace Keeping Operations (UNDPKO) has recently sent three technical evaluation teams on fact-finding missions to assess the political, security and military situation in Burundi. The last of these teams visited Burundi from 14 to 27 February 2004 and consulted widely with institutions of the TGoB, as well as with partner organisations, including AMIB. It visited a number of locations involved in the peace process. The team was led by Ambassador Behrooz Sadry, Deputy Special Representative of the United Nations' Secretary-General (UN) in MONUC, DRC, and was accompanied by Ambassador Nouredin Satti, Deputy Special Representative of the Secretary-General in Burundi.

Conclusion:
AMIB as a UN
peacekeeping
mission?

The team observed that there was an obvious lack of dialogue in Burundi society about the peace process. Nonetheless, it believed the urge to continue the war had diminished significantly. One of the problems it identified was a lack of coordination and consultation between and among the institutions of the TGoB, with each institution vying for resources to pursue its own programme without reference to the other institutions. The electoral calendar was also regarded as problematic because of the short lead time between February and elections at the end of October 2004. The team commented that AMIB was doing a good job and that its deployment was in line with the UN's Partnership for Peace, in terms of which the UN relies on the intervention of regional organisations in conflicts while the Security Council takes time to decide on UN intervention. In the team's view, there was intense interest on the part of the international community to assist the peace process in Burundi. Finally, the team reported that there was near unanimity among members of the Security Council on the question of establishing a UN mission in Burundi, although the need for the US administration to submit the issue to Congress three weeks before any Security Council debate takes place raised some problems.

With regard to the peace process, there were hopeful signs that, sooner or later, the Palipehutu-FNL of Agathon Rwasa would participate. However, while the maintenance by the TGoB of an 80,000 strong national army might be regarded a necessary evil, it was also in violation of agreements struck, and the government needs to be told this is simply not sustainable. In contrast, the extremely low strength of the national police (of only 7,000) requires that the reduction in the size of the army be accompanied by a parallel increase in the size of the national police force.

Based on the information available, the UNDPKO team felt there were only two options. The first of these was to utilise the capabilities, both civilian and military, already present in Burundi. In this sense, a continued reliance on the regional initiative could give the UN the time needed for the Security Council to decide on an appropriate course of action, including taking over the mandate of AMIB. The second option is to include the military component of AMIB as part of any future UN mission. If this option is to be taken up, it might be necessary to consult with the existing troop-contributing countries of AMIB to increase their troop strengths. Alternatively, the UN could explore the provision of additional troops from other countries.

Commenting on these options, and bearing in mind the calendar of the African Union's Central Organ, Ambassador Sadry emphasised the critical need for the Security Council to indicate its preferred course of action before 2 April 2004, to enable the Central Organ to objectively review the mandate of AMIB.

It is now for the Security Council to decide on the way forward and on how the UN will get involved. Burundi is just one of the conflict countries in Africa that needs UN intervention. High on the list of priorities are the West African states of Côte d'Ivoire and Liberia. However, conditions in Burundi now seem appropriate for the UN to express its support and solidarity by taking over the African Mission in Burundi, "re-hatting" the existing military contingent and deploying a UN peace-keeping operation. There is also a possibility that the UN could mandate AMIB as a Chapter 8 mission, with the granting of necessary funds.