

BURUNDI BEYOND THE TRANSITION?

The challenges of a return to peace

JENNY CLOVER

Introduction

Current discussions on Burundi have been centred on whether the democratic elections scheduled for 1 November 2004 will and should go ahead. These elections will fulfil the provisions of the Arusha Peace Accords and signal the end of the current transitional process. In the debate, the transitional government of Burundi (Tgob), the political parties, the media, civil society organisations and seasoned observers have pointed to some of the relative advantages as well as the dangers of sticking to the time frame set by Arusha. Arguments for and against abound, for example in the negotiations held recently in Pretoria, South Africa, and in the subsequent Heads of State meeting in Dar-es-Salaam, Tanzania. However, while the debate is focused entirely on the issue of elections, very little thought has been expended on what lies ahead for Burundi in the post-transition phase.

To be sure, the technical arguments presented in the debate as to the feasibility or desirability of sticking to the 1 November 2004 deadline identify several critical issues related to the sustainability of the peace process. When the length of the transitional period was laid down in the Arusha Accords, it was assumed that all the necessary conditions that would make free and fair elections possible would be met by the time the transi-

tion came to an end on 31 October 2004. However, this has not happened. An all-inclusive cease-fire has still to be achieved, while a large number of the practical steps needed to build general confidence in the peace process have not been completed. Among these are disarmament and demobilisation; the return of refugees and internally displaced persons; the drawing up of a new post-transitional constitution and its approval by a referendum; and voter registration.

However, over and above these immediate and technical concerns are the imperatives of planning, in a wide-ranging and detailed way, for the country's medium and long-term development. A well-designed strategy is needed to address such problems as unequal access to political, social and economic opportunities. Paradoxically, for a country that is rushing to hold elections in the coming months, a number of critical issues have not been addressed. These include plans for the physical reconstruction of the country's infrastructure, and the establishment of a reconstruction and development unit to implement these projects. Overall it seems that transitional and political issues on the one hand, and the personal interests of power-seeking elites on the other, predominate at the expense of the needs of Burundians.

Yet the development of plans to reconstruct and develop is essential for the long-

term sustainability of the peace process, particularly in the post-transition phase. Currently the government does not appear to have any clear strategy for the future, and has little by way of funds to tackle Burundi's many needs (including the immediate requirements for the 1 November 2004 elections). The design and implementation of wide-ranging programmes to assist the repatriation and resettlement of refugees, for example, and the necessary rehabilitation of transport, health and education services and infrastructure should be urgent priorities.

This article focuses on the repatriation and resettlement of refugees as a critical component of a sustainable peace process in Burundi, both in the short as well as the long term.

The return and resettlement of IDPs and refugees: A major humanitarian challenge

In November 2003, Burundi's President Ndayizeye and Pierre Nkurunziza, the leader of the National Council for the Defence of Democracy–Forces for the Defence of Democracy (CNDD–FDD), signed a cease-fire agreement. This led to a reduction in the intensity of the long-running civil war, and awakened tentative hopes for peace. But although this agreement has led to improved security in parts of the country, the situation in communities living outside Bujumbura continues to cause serious concern. One insurgent group, the Party for the Liberation of the Hutu–National Liberation Front (Palipehutu–FNL) of Agathon Rwaso, remains outside the peace process, so despite the relative calm in most provinces, fighting between the army and the FNL continues in the province of Bujumbura Rural. This has resulted in the displacement of some 50,000 people. An average of 20,000 people leave their homes each week, sometimes for just a day, sometimes for longer, to flee the fighting.

Trapped in an apparently endless cycle of violence, human rights abuses, poverty and humiliation, Burundians have lost much of their capacity to care for themselves. A culture

of impunity continues, as rebels and the military increasingly make armed attacks on civilians, including women, children and the elderly. One of the most under-reported of these war crimes (which is also a human rights violation) is rape, which is on the increase in Burundi. This can be directly attributed to the civil war and to a widespread and growing belief that having sexual intercourse with very young girls is a cure for HIV/Aids. Most of the cases of rape involve girls under the age of 18. Bringing the perpetrators to justice is also problematic, as many of the judges support the widely-held view that rape is not a serious crime.

There are, however, a few positive indications. Some measures have been, or are being, taken. Among them are the establishment of a reception facility for refugees and *sinistrés* (those affected by war); the creation of a National Commission for the Rehabilitation of *Sinistrés*; and the appointment of a sub-commission (as part of the latter) to act on land issues and provide special assistance to vulnerable groups.

Internally displaced persons (IDPs)

Coinciding with the difficult political environment in Burundi is the pressing need to arrange for the return and resettlement of internally displaced persons (IDPs) and refugees. This will constitute the major humanitarian challenge for the country throughout 2004.

In recent months, large groups of IDPs have begun returning to their original homes. The number of people in Burundi's camps for the displaced dropped by half between 2002–2004, from 281,000 to 140,000 in May 2004. However, these findings are the result of a UN Organisation for the Coordination of Humanitarian Affairs (OCHA) survey that covered only IDPs who were in the camps during March and April 2004, and omitted those temporarily displaced because of fighting, especially in Bujumbura rural province. In addition, IDPs living with host families were also excluded from the survey.

Of those persons living in the IDP camps, 44% come from the provinces of Gitega,

Kayanza, Kirondo, Muyinga, Muramvya, Ngozi and Karuzi. Almost 60% expressed their willingness to return home in the near future. Most of those wanting to return had homes in the southern and eastern provinces rather than in the central and northern provinces. The reasons these IDPs gave for wanting to return were the poor living conditions in the camps, their desire to reclaim their properties before the arrival of refugees from Tanzania, and the improved security situation. However, close to 40% of IDPs, especially those from the central provinces, said they wanted to remain in the IDP camp sites.

Moreover, it should be noted that the general population of IDPs does not appear to be experiencing a humanitarian emergency situation as such. Most have settled in the camps and have continued to exploit their fields outside these camps. Nevertheless, in contrast with refugees, who have the support of the UN High Commission for Refugees (UNHCR), no single institution exists to meet the needs of IDPs, particularly for protection. Furthermore, because by definition their situation is an internal matter, the government is likely to view any attempts by organisations outside Burundi to create an agency to address the IDP issue as meddling in its domestic affairs.

Although the task of reintegrating refugees and IDPs into society is a massive one, it is crucial to the success of the peace process. This has been shown by the experiences of Mozambique and Angola (and will soon be seen, one would hope, in the Democratic Republic of Congo). What the government should bear in mind is that the needs of the returnees and of those who will be receiving them are equally important, and equally extreme. Levels of poverty are extremely high in both groups.¹

Refugees

Although a certain amount of spontaneous repatriation of refugees has taken place since 1997, it was only during the course of 2003 that the numbers picked up. A total of 81,000 people returned during that year, 36,000 of them assisted and 45,000 spontaneously. In

January this year the Tripartite Commission (consisting of representatives from the governments of Burundi and Tanzania and the UNHCR) signed an agreement paving the way for the large-scale return of refugees. This required the opening up of both old and new entry points. The main entry point at Gisuru (Ruyigi) was reopened on 28 January 2004, and has since been used by a large number of returning residents. So far more than 40,700 Burundian refugees have returned home from camps in Tanzania this year, leaving just over 290,000 remaining. (This is the first time since 1998 that the population in the camps has been below 300,000.)

More than half of those who have returned this year have gone back to the border provinces of Makamba, Rutana, Ruyigi, Cankuzo and Muyinga. The vast majority of returnees have come back on UNHCR-facilitated convoys, mainly through two border crossing points—Gisuru in the east and Kobero in the north. A third entry point for assisted returns is Gahumo, in Cankuzo province, and a fourth is scheduled to open at Mugina in the southern province of Makamba, possibly early in June this year. The opening of the latter has been delayed by heavy rains, which have slowed down the road repairs necessary to enable the convoys to use the roads.

According to the Tanzanian authorities, another 170,000 Burundians, most of whom left in the early 1970s, live in settlements outside the camps, while another 300,000 have made independent homes in Tanzanian villages. No-one has been able to make an accurate estimate of the numbers of Burundian refugees in Tanzania, especially one that takes those who arrived in 1972 into account. The only way of ascertaining the actual number would be by taking a census of Burundians still living in Tanzania.

During 2004, the UNHCR plans to repatriate 150,000 of the 300,000 refugees who fled to Tanzania during the last decade. Yet Refugees International, an international non-governmental organisation (NGO), has expressed concern that the rapid pace of the repatriation process threatens the security of

returning refugees. They argue that UNHCR Burundi lacks the capacity to protect them because of their numbers, and because of the political instability that continues in the country.² The organisation has recommended that the process of repatriation be slowed down until the government of Burundi can demonstrate that it has made some progress in addressing key social and economic issues.

In sum, pressure on refugees and IDPs to repatriate seems to be a push-pull matter. The mixed messages can be partially explained by a change in the political dynamics between the Tanzanian government and the TgoB. Tanzania's support of Burundi over the years has been considerable. However, the role of facilitator in the peace negotiations has been shifted from Tanzania to South Africa. It appears that the Tanzanians now feel sidelined, and in consequence their attitude towards the Burundian refugees seems to have become less supportive. This has been confirmed by many returning refugees, who have spoken of reduced food rations and restrictions imposed on their freedom of movement outside the camps. Within the camps, there are water shortages and problems with the provisions for health and safety. Tensions between Burundi and Tanzania have also been heightened by the accusations of the former that rebel groups have been using the camps in Tanzania as rear bases.

Repatriation and reintegration

On a recent field trip to Burundi, the writer was told that the government is finalising a repatriation plan to return and reintegrate 500,000 Burundians between now and 2006. Accordingly, the government, in consultation with the UNHCR, is preparing for the voluntary repatriation of at least 150,000 Burundians from Tanzania in 2004. UNHCR Burundi, which is due to phase out its operations by 2007, is assisting the government by developing an operational plan for the repatriation and reintegration of refugees and IDPs over the next three years. However this has not as yet received the "green light" from this organisation's head office.

The UNHCR's operational plan includes

the reinforcement of the Burundian government's capacity to meet social infrastructural needs related to education, health and agriculture, because many facilities such as schools and health centres have been destroyed or are no longer operational. Indeed, more than half of those who left have lost their houses, which were burnt down or dismantled after they had fled. Some returnees have settled in IDP sites because they provide assistance, and it seems a better security option. There is also the strong probability that many refugees, especially those who fled the country in 1972, have lost their land in the course of a long history of property appropriation. Much of the land has changed hands many times over the intervening years.

Competition for rapidly diminishing land resources remains a serious problem in Burundi. Some 90% of the population are dependent on agriculture, with most families farming on less than a third of a hectare. The arable land has been over-farmed for more than a century, and topsoil loss is heavy, resulting in greatly diminished yields. Some environmentalists have predicted that if current trends continue, within 20 years no arable farmland will remain. In addition, many communities have been dispossessed of their land and their homes, both of which have been despoiled and looted by rebels, armed forces and bandits. Grave concerns have been expressed that land and property issues may present serious obstacles to the successful repatriation and reintegration of refugees and IDPs. The government has produced a report that indicates that there is a considerable amount of "free" land available, but this has been widely disputed. With less than 5% of the land registered, there is too much uncertainty over ownership to verify this report.

Returnees are also anxious to know what sort of compensation they will be offered if they have lost their land. Although a Land Commission was established in April 2003 to address the concerns of returnees (especially the 1972 caseload of refugees), it has not carried out its mandate. This is largely attributa-

ble to a shortage of funds and administrative weaknesses. No national policy for land ownership, restoration or compensation has yet been drawn up; nor has the government come up with a clearly co-ordinated strategy to tackle these issues.

All of these factors point to the likelihood of property disputes, which, if not carefully handled, will provide political ammunition to anyone interested in derailing the peace process. Not surprisingly, the UNHCR has come forward with the idea of mounting an all-inclusive operation to strengthen the dynamics of reintegration. Some of the mechanisms suggested include a reconciliation process at grassroots level; the use of peaceful conflict resolution strategies; an anti-HIV health policy; and, finally, the provision of medical assistance to vulnerable communities.

Responsibility for repatriation and reintegration ultimately lies with the government's Ministry of Reinsertion and Resettlement of Displaced Persons and Refugees. In addition, there is the national commission to assist war victims (the *Commission Nationale de Réhabilitation des Sinistrés*—CNRS) that was set up in February 2002. Its work has been hampered by a lack of funds and uncertainty over its statutory independence from the Ministry. The relationship between the CNRS and the Ministry also reflects a political power-sharing compromise, the presidency of the Commission having been allocated to the *Front pour la démocratie au Burundi* (Frodebu) and the Ministry falling under the G10 grouping of parties.³ This creates additional layers of bureaucracy and does not help the CNRS to function effectively.

Conclusion

As the above discussion makes clear, a number of critical areas have not yet been addressed in Burundi. These include the preparation and prioritisation of plans for physical reconstruction after years of war; and the design of a country strategy for medium and long-term development. Overall it seems that transitional and political issues and the personal interests of power-seeking elites pre-

dominate, at the expense of the needs of the community. The government seems to have been distracted from more important issues by the political deadlines it is facing. It has failed to prioritise strategic thinking on post-transition issues and needs, even though the development of such plans is essential for the long-term sustainability of the peace process, particularly in the post-election period.

In addition, significant work needs to be done by the international donor community to support good governance at all levels, so that equitable social and economic development and political participation may be ensured. Particular emphasis should be placed on increasing opportunities for the disenfranchised in Burundi. It is vital that the donor community should act in a clear and decisive manner. Currently it seems to be trapped in dilemmas concerning whether it should wait for peace and the outcome of the elections before disbursing funds, and determining who will take the lead (government or NGOs) in projects. Donors see themselves as caught in a double bind. The emphasis on assistance to the government is a direct result of their desire to consolidate the peace process. However, the government is not only plagued by weak institutional capacity but is opposed to funds being channelled through local NGOs. The latter also lack capacity. This leaves donors unsure about who will take the lead in projects.

The political dynamics of determining who will control the aid are creating considerable anxiety in donor circles. A valid concern is that post-conflict assistance that is oriented towards government structures may reinforce the very factors that fuelled the conflict in the first place. This could undermine support for peace among groups that are not part of the transitional government, who may resent what they perceive as a bias. A core principle of humanitarian assistance—in theory if not always in practice—is its political neutrality: to save lives regardless of affiliation. But whatever its intentions, humanitarian aid has political effects that inevitably create incentives and disincentives for peace or for war, whether deliberate, acknowledged or not.

Humanitarian organisations are becoming increasingly conscious of the political nature of all aid, and are paying greater attention to the maxim that it is no longer enough to just abide by the principle of “do no harm”. Peter Uvin sums this up in the following statement:⁴

This involves recognising that perceptions matter as much as facts in aid impacts; that who gets which piece of the cake is usually as important as the total size of the cake; that efficiency may sometimes need to be traded for stability and peace; that the development discourse can be used for many political purposes; and, broadly, that process is as important as product.

Humanitarianism is being transformed from a narrow framework designed to mitigate the impact of war to one which acknowledges that the nature of conflicts is such that something more has to be done to help conflict resolution and peace-building. The UN Security Council has taken up the position that the way to assist African countries in the area of peace-building is “to combine measures taken in support of peace-building, emergency assistance and longer-term development in a comprehensive and coherent response”.⁵ Many humanitarian aid organisations are following this lead, and beginning to explore their role in peace-building. In other words, the critical nexus between peace and development requires a comprehensive and integrated approach to conflict prevention, poverty eradication and development.

By way of contrast, donors have long assumed that, in post-conflict environments, peace-building must precede development. This has surely been the case in Burundi.⁶ Clearly aid alone is limited in its influence over the dynamics of political conflict. The issue for the international agencies is how to manage aid in a way that goes well beyond avoiding actions to which some of the parties involved in the process may take exception. Instead it should actively promote conditions that engender peaceful and non-violent conflict resolution. The main premise should thus be to favour interventions that act as incen-

tives for peace, but which go beyond the “carrot and stick” approach:

Incentives for peace refer to all purposeful uses of aid that strengthen the dynamics that favour peace, by influencing actors’ behaviours, by strengthening pro-peace actors’ capacities, by changing the relations between conflicting actors (ethnic groups, the state and civil society), and by influencing the social and economic environment in which conflict and peace dynamics take place.⁷

In practice, “political and socio-economic solutions are so intermeshed that the classic ‘phased’ approach—peace first, economics second—would at best leave an impossible legacy for those who inherited the peace”.⁸ In peace-building and conflict resolution, windows of opportunity rarely present themselves. While the TgoB and Burundi’s main political parties may be focusing on short-term considerations related to the elections, they should not lose sight of the urgency, for the very sustainability of the peace process, of some of the issues discussed above. As regards the donor community, it should realise that Burundi’s prospects for peace can be secured by placing emphasis (and funds) on creating the conditions necessary for rapid and sustained socio-economic development, from the very start of the reintegration process.

Notes

1. Burundi’s indicators of social wellbeing are among the worst in the world, and are generally well below the average for sub-Saharan Africa. An estimated two-thirds of the population live in absolute poverty, and one out of eight adults is HIV-positive. Life expectancy has plummeted to 40 years from 54 in 1992. Some 70% of the Burundian population are under-nourished, and close on 60% live below the poverty line. Malnutrition levels are increasing, especially among children under the age of six years.
2. Refugees International, Burundi country report, <www.refugeesinternational.org> 20 May 2004.
3. During 1999, parties negotiating in Arusha consolidated into three blocs: predominantly Hutu parties formed G-7; predominantly Tutsi parties formed G-8 (which later became the G-10); and Uprona, the Burundi government and the National Assembly formed G-3.
4. P Uvin, *The influence of aid in situations of violent con-*

- flict*, Organisation for Economic Co-operation and Development (OECD), 1999, p 4.
5. United Nations Secretary-General, Implementation of the recommendation contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa, Progress Report, Fifty-sixth session, Item 59, United Nations General Assembly, 18 September 2001.
 6. Whether humanitarian organisations can effectively serve these multiple purposes is a matter for debate. What is required goes beyond managing determinants such as timing, co-ordination and integration, length of commitment and policy. It is a matter of acknowledging that development is complementary to the political and security elements of peace-building, and as such should begin as soon as there is even a prospect of peace. Furthermore, it means ensuring that measures should be adopted to manage risks.
 7. Uvin, *op cit*, p 3.
 8. Katherine Marshall, quoted in J Haughton, *The reconstruction of war-torn economies*, CAER II Discussion Paper No. 23, Harvard Institute for International Development, USA, March 1998.