

# Burundi: Finalising Peace with the FNL

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## EXECUTIVE SUMMARY AND RECOMMENDATIONS

Burundi has made relatively rapid, substantial progress in democracy and easing of inter-ethnic tensions, due to its citizens desire to embrace national unity and compromise, as well as the international community's heavy involvement in the Arusha peace process. Integration of former government security forces and CNDD-FDD rebels in a new national defence force contributed significantly to consolidating peace. However, the peace process remains fragile. To move beyond the long civil war, strengthen democratic institutions and ensure respect for the rule of law, a genuine peace agreement is needed with the PALIPEHUTU-FNL, the last active rebel group, which is not strong enough to fight a new war but remains a power in most western provinces. This requires a new commitment by the government to a negotiated solution, not a military one, and a revived facilitation effort especially by regional states.

The country needs a genuine peace agreement to put the conflict behind it, as evidenced by the fact that the rebel delegation's hasty departure from Bujumbura in July 2007 precipitated widespread fear fighting would resume. The security forces use the presence of the rebels' armed wing (the FNL) in the countryside to excuse abuses and human rights violations. Moreover, the FNL problem is becoming a factor in the political crisis, which emerged in March due to tensions between the presidency and parliament. In the short term, government hardliners could use the absence of a peace agreement to justify suspending civil liberties, thus weakening the foundations of the nascent democracy. If not addressed before the end of this year, the lack of peace could become a destabilising factor in preparations for the 2010 elections and serve as a pretext for limitations on political freedoms during the campaign.

International efforts over two years on behalf of an implementable peace agreement between the government and the PALIPEHUTU-FNL have not succeeded. This is partly due to the difficulties of dealing with an insurgency that retains its ethnic reading of the conflict, has been thrown off balance by the electoral victory of its rival Hutu-dominated movement – the CNDD-FDD – and is convinced the eventual return of 350,000 refugees from Tanzania among whom it has important support, means time is on its side. It is also linked to the inflexibility of the CNDD-FDD government, which feels both empowered by its electoral victory and weakened by internal divisions and the crisis with the political opposition, so is tempted to refuse concessions and give priority to a military solution.

The international community should mobilise immediately to prevent further deterioration. To begin with, it should acknowledge that negotiations with the FNL are at

an impasse and must be re-launched with more emphasis on the political process. The UN Peacebuilding Commission, which has included completion of the ceasefire agreement with the PALIPEHUTU-FNL among the priorities of the Burundi strategic framework, should consider how to facilitate, in cooperation with the government, the implementation of that agreement. Several steps could help revive the process and increase pressure on the parties, including reconfiguration of the negotiating delegations and dispatch of a new facilitation team led by a prominent diplomat dedicated exclusively to the negotiations, who would work closely with the local diplomatic community, countries from the Regional Peace Initiative on Burundi (Regional Initiative), the African Union (AU) and the UN.

The facilitation should push the PALIPEHUTU-FNL to give precision to demands that so far have been used in a general way only, to justify refusal to implement the 7 September 2006 ceasefire agreement. While respecting the constitution, the government and the facilitation should show flexibility in finding ways to address the rebels' repeated demands for guarantees regarding integration into the security forces and political institutions. Once an agreement has been signed, the PALIPEHUTU-FNL must be pressed to respect its commitments and begin disarmament, and the regional states and wider international community must be prepared to impose serious sanctions if it does not.

## **RECOMMENDATIONS**

### **To the Government of Burundi:**

1. Give priority to diplomatic rather than military options with respect to the PALIPEHUTU-FNL, cease arresting presumed combatants and sympathisers and give clear instructions to defence and security forces not to escalate the conflict in case of local violations of the ceasefire.
2. Establish favourable conditions for conclusion and implementation of a peace agreement with the PALIPEHUTU-FNL before the end of 2007 and to this purpose:
  - (a) recognise the need to renew, on a political, not purely technical level, negotiations in order to make the 7 September 2006 ceasefire effective;
  - (b) appoint to lead the government delegation a presidential representative who gives full attention to the process and has previous experience with such negotiations;
  - (c) approve the nomination of a senior diplomat as head of the facilitation who can focus exclusively on the negotiation process and work closely with the ambassadors to Burundi of Regional Initiative countries, the African Union and the UN; and
  - (d) work with the head of the facilitation to negotiate a supplement to the ceasefire clarifying the definitions of political prisoners and prisoners of war and the terms of

provisional immunity, and granting PALIPEHUTU-FNL at least a minimum number of posts in the army hierarchy and in the government and its institutions.

**To the Leaders of the PALIPEHUTU-FNL:**

3. Abandon all military action; take all necessary provisional measures to avoid conflict with the army and eliminate the risk of escalation; and end recruitment, forced monetary contributions and other abuses against the civilian population.
4. Agree to prompt resumption of negotiations chaired by the new head of the facilitation and appoint a delegation led by Agathon Rwasa and other prominent members of the movement.
5. Express demands relating to the conclusion of the Technical Forces Agreement and the agreement for integration within political institutions in clear terms; negotiate a supplement to the ceasefire clarifying the definitions of political prisoners and prisoners of war and the terms of provisional immunity; and commit to respect the political parties law, which forbids ethnic exclusivity, in exchange for registration as a political party.

**To Opposition Party Leaders:**

6. Support resumption of negotiations between the government and the PALIPEHUTU-FNL in order to achieve swift implementation of the 7 September 2006 ceasefire agreement and encourage the rebels to approach those negotiations in a spirit of national reconciliation and to conclude disarmament and demobilisation operations by the end of 2007.

**To the Countries of the Regional Peace Initiative on Burundi:**

7. Acknowledge that the impasse in implementation of the 7 September 2006 ceasefire agreement is due to its unbalanced nature and the internal crisis which the government and political opposition must resolve through negotiation.
8. Pressure the government to resolve the political crisis through dialogue and insist that it accept as head of the facilitation a prominent diplomat capable of pursuing swift negotiations between the government and the PALIPEHUTU-FNL and addressing current obstacles to implementation of the ceasefire agreement.
9. Instruct their ambassadors in Bujumbura to work closely with the facilitation leader and to exert influence on the government and the PALIPEHUTU-FNL in order to achieve implementation of the ceasefire agreement before the end of 2007.

**To the UN Peacebuilding Commission:**

10. Support the efforts of the Burundi government and the UN office (BINUB) for rapid implementation of the ceasefire agreement with the PALIPEHUTU-FNL, including by

expressing readiness to facilitate efforts to consolidate peace and, as the peace process proceeds, by advocating within the international community sustained support for identified peacebuilding priorities.

**To the African Union and United Nations:**

11. Maintain the AU special task force in order to protect the PALIPEHUTU-FNL delegation when it returns to talks and to facilitate implementation of the 7 September 2006 ceasefire, following conclusion of a supplemental agreement between the government and rebels.

12. Consider imposing sanctions on the PALIPEHUTU-FNL if, after conclusion of the supplemental agreement, it continues to refuse to implement the 7 September 2006 ceasefire.

**To the European Union and Multilateral and Bilateral Partners:**

13. Clearly signal to all stakeholders that promised aid is conditioned on good-faith efforts to consolidate peace and resolve the internal crisis through dialogue.

14. Facilitate FNL integration into security and defence forces and implementation of security sector reforms by pursuing training programs and ongoing efforts to audit the security and defence structures so as to produce a better understanding of numbers and composition.

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