Negotiations and Power Sharing Arrangements in Burundi's Peace Process: Achievements and Challenges

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In October 1993 Burundi's newly elected President Melchior Ndadaye was assassinated in a military coup attempt. This action led to upheaval and mass killings around the country, and ultimately to the eruption of a civil war. The conflict pitted the two major ethnic groups: the disadvantaged Hutu majority representing 85 percent of the population, and the dominating Tutsi minority representing 14 percent. The smallest ethnic group, the Twa, which represents 1 percent, was not involved in the conflict. In order to halt the spiral of violence, the involvement of the regional leadership and the international community became necessary. Following this involvement of external actors, peace negotiations were initiated. In August 2000 a peace and reconciliation agreement was signed between the warring parties despite the reluctance of some political actors who expressed multiple reserves. This paper analyzes three main factors that played a key role in breaking the deadlock of the negotiation process: war fatigue, the regional and broad international pressure, and the charisma of the chief mediator. The paper concludes by showing that monitoring how an agreement is implemented is crucial for peace sustainability.

The civil war that erupted after a military coup in October 1993 against Ndadaye Melchior, the first Hutu President and the first to be democratically elected, plunged Burundi into chaos and violence for more than a decade. It

is estimated that around 300,000 people lost their lives in the conflict, while 800,000 people were displaced. In efforts to help Burundians achieve lasting peace, initiatives at regional and international levels took place, shaping the negotiation process. Within Burundi some peace initiatives were launched shortly after the coup by the UN envoy Ould Abdallah in 1994. At the regional level Uganda and Tanzania took the lead with fewer successes to stop violence during the fragile rule of President Sylvester Ntibantunganya in 1995 and 1996. The initial rounds of negotiations lasted more than two years, from 1997-1998 when the first unofficial meeting was held in Rome, Italy under the auspices of the San Egidio Community. This meeting was held between the government under President Buyoya's leadership and the CNDD rebel group when it was still headed by Nyangoma, the former Home Affairs Minister within Ndadaye's government.

The road to peace through negotiations has been long, as many challenges delayed the signing of the peace agreement. This was related in part to a high number of actors involved in the negotiation process. Among the actors were those struggling for power in Burundi, like Front pour la Democratie au Burundi (FRODEBU) and Union pour le Progres National (UPRONA), the Burundi Armed Forces (Forces Armees Burundaises – FAB) and the armed groups, mainly Conseil National pour la Defense de la Democratie-Forces pour la Defense de la Democratie (CNDD-FDD) and Forces Nationales pour la Liberation-Parti pour la Liberation du Peuple Hutu (FNL-PALIPEHUTU). The actors' interests at the regional and international level should not be forgotten in analyzing this case. Three factors played an important role in avoiding the deadlock as the peace process moved on. These factors included war fatigue, regional and international pressure on Burundi's political forces, and the charisma of the chief mediator, Nelson Mandela.

The negotiation process officially launched in 1998 in Arusha, Tanzania, was aimed at resolving Burundi's political crisis. The civil war that followed the President's death threatened to put Burundi on the path of ethnic cleansing. The civil war itself stemmed from conflict over political participation and resource scarcity, compounded by regional imbalances and the society's militarization.[1]

The military coup against Ndadaye was interpreted as a refusal by the army (a monoethnic army dominated by the Tutsi) and the Tutsi minority to

the democratic change brought about by the new electoral system adopted in the 1992 Burundi Constitution.[2] Since the Hutu represented a majority (85 percent of the population), the Tutsi thought that the new electoral system would no longer allow them access to power. Another concern referred to reforms that the new government of Ndadaye planned to implement after it was sworn in. The reforms were seen as threatening to the interests of the Tutsi establishment which had been in power since 1966.

The impact of the Burundian crisis in 1993 was evident outside the country as well. Its shockwaves rocked neighboring countries as an influx of refugees entered their territory and rebel groups were formed, sometimes using refugee camps as bases. The crisis had strong ramifications across the region. This is why the regional leaders could not afford to turn a blind eye to the unfolding situation. In addition, the initiative aimed at resolving the crisis in Burundi was in line with the newly emerging policy of the Organization of African Unity (now African Union) calling for "African solutions to African problems" (in terms of self-reliance, ownership, and responsibility) with an eye to preventing spillover effects.

From a historical perspective, the outburst of violence in 1993 between Hutu and Tutsi was just one in a series of ethnic clashes in Burundi. The conflict was not a result of historical hatred between the two main ethnic groups as some analysts tend to suggest.[3] It was in fact linked to the struggle for power between Burundi's political elite. The ethnic dimension of the conflict was a result of political manipulation by this elite, whether Hutu or Tutsi.

The Parties to the Conflict

During the process of filling the power vacuum left by Ndadaye's assassination shortly after the 1993 military coup, a political conflict erupted between FRODEBU and UPRONA. These parties were in fact the main players on the political arena. Attempts to bring together Burundi's conflicting parties began in November 1993. The FRODEBU was dominated by the Hutu majority ethnic group, and the UPRONA was considered as the Tutsi minority party. Contrary to FRODEBU, UPRONA was backed by the Burundi army, which was also under the Tutsi control. The mediation attempt during this period was around discussions on restoring democratic rule and re-establishing

the elected institutions. It was initiated by United Nations special envoy Ahmedou Ould Abdallah, who came to Burundi in the early days of the crisis between 1993-1994.

In 1994 the United Nations-mediated process led to a power sharing agreement between FRODEBU and UPRONA parties called the "Kigobe and Kajaga Convention of Government." It enabled UPRONA's members and the Tutsi establishment to reclaim power despite their loss in the 1993 elections.

The crisis was handled in a manner that largely favored the Tutsi. This angered FRODEBU members, as they had won the elections with more than 80 percent in the National Assembly and their presidential candidate winning 65 percent of the votes. Consequently, the new government created in the aftermath of the Kigobe and Kajaga Convention was unable to perform its duties. It suffered from divisions along ethnic lines and was thus inefficient to a certain extent. The inefficiency, failure and weakness of the government led to increased violence and chaos in the country, including killing, looting, and ultimately the formation of armed groups.

In 1996 then-President Ntibantunganya Sylvestre was accused of not being able to stop the chaos in the country and was ousted in a bloodless military coup headed by Major Pierre Buyoya, following which the crisis deepened and new actors entered the political arena, gaining more influence. These included the pro-Tutsi Burundi army (FAB) and pro-Hutu armed groups, the CNDD-FDD and FNL-Palipehutu.

From 1993 to 1998, there were initiatives aimed at bringing all the key actors to the table in order to negotiate a solution for the Burundi crisis. However, the parties were reluctant to sit together. Finally, in June 1998 the conflicting parties agreed to engage in negotiations. Other than FRODEBU and UPRONA, key players joined the process, including the CNDD-FDD which had an armed wing, the Party for National Recovery (PARENA) which drew power from its youth militia, the Buyoya led government, and the National Assembly which was mainly composed by Frodebu Members of Parliament (MP).[4]

The positive point is that from the very start of the negotiation process, the facilitators decided to be as inclusive as possible. The peace talks had to address all the issues in relation to the conflict. During the negotiations,

numerous political groups were formed and invited to join the peace talks. The first group constituted political parties and pro-Hutu movements. This group was known as the G7 because it comprised seven consistent political parties. The second group was formed by ten pro-Tutsi political parties. It was clear that the negotiations were going to revolve around the grievances and fears of one or the other ethnic group. Each side presented itself as protecting the interests of its respective ethnic group.

The Peace Process

The fear of a new bloodbath in the Great Lakes Region urged the International community to get involved in the Burundi peace process. It was clear that, after the genocide in neighboring Rwanda, this region was not ready for further genocide or mass killings (which were indeed looming over Burundi). In this perspective, the United Nations, with the Security Council and the Organization of African Union (OAU) were called to play a supporting role while the regional actors took the lead in the search for solutions concerning the Burundi conflict.

Most actors agreed that the conflict in Burundi was a political one with important ethnic dimensions. The peace process took into account both the political and military aspects. According to Ambassador Ayebare, the political track dealt with political players and was aimed at reshaping the political environment in a way that allowed inclusiveness with regard to the different political actors. The military track was directed at establishing protection for political institutions, as well as all political leaders who would return to Burundi after the negotiation process.[5]

From the onset, the objective of the peace process was twofold: on the one hand it was aimed at finding a lasting solution to the enduring conflict and on the other hand it was trying to lay the foundation for a transitional government that would incorporate the representative of the principal parties and factions.[6]

Former Tanzanian President Julius Nyerere was appointed as the chief mediator in Burundi in March 1996. His main task was to help the conflicting parties negotiate an inclusive power sharing arrangement. The initial phase of negotiation under Nyerere auspices was accompanied by Western and

UN preventive diplomacy. This first phase lasted from 1996 to 1998 but it was not successful because of conflicting interests among the parties.

Nyerere's major success was to bring together 19 Burundian delegates representing diverse political parties for talks in the northern Tanzanian town of Arusha in 1998. The negotiators were selected from the parties represented in the National Assembly, and they included members of both the Tutsi and Hutu ethnic groups. It took the mediator three years of wide consultations both within and outside Burundi to determine the representation in the talks. President Nyerere adopted the strategy used by the United Nations that recognized the formal political parties which had participated in the 1993 elections as the major protagonists who should be included in the negotiations, which would eventually lead to power sharing arrangements.[7]

The Role of Regional Leadership

The impact of the Burundi crisis on the Great Lakes Region cannot be underestimated. In order to address the problem, regional leaders needed to combine their efforts. The collaboration between the regional leadership and the Carter Foundation played a key role in fostering the negotiation process. It also made it possible for the stakeholders to coordinate their initiatives aimed at resolving the Burundi crisis. The regional leaders took ownership of the negotiation process with the support of the international community.

The leaders and the mediator himself applied significant pressure on the conflicting parties, calling them to look for alternatives to violence. This position gave an impetus to the negotiation process and obliged the warring parties to limit the use of genocidal rhetoric. The position of the regional leadership was also displayed after President Buyoya came back to power in July 1996 through a military coup. The regional initiative decided to impose sanctions on the Burundi government with a clear message that the use of power to destabilize the region would not be tolerated.

The Role and Support of the International Community

The inter-ethnic massacres observed in the aftermath of Ndadaye's assassination pushed then-UN Secretary General Boutros Boutros-Ghali to propose an international military intervention force for Burundi. The mission for such

a force was to prevent ethnic annihilation and restore constitutional order and stability.

Back in 1994, the UN played a leading role in trying to resolve the Burundi conflict in a power sharing process. This process was mainly brokered by the UN Special Envoy to Burundi, Ahmedou Ould Abdallah. The agreement on power sharing involved, to a great extent, members of the FRODEBU party and those of UPRONA. This power sharing agreement was signed in September 1994. Despite the fact that it was not an effective solution to the crisis in the long run, the agreement managed to temporarily restore calm in the country.

The role of the OAU was also important in the search for a sustainable solution for Burundi. As noted by Ambassador Ayebare, "The United Nations' approach to the Burundi conflict did not differ from the strategy pursued by the OAU/AU and other regional peacemakers. Each of these actors perceived the conflict as political, with ethnic connotations. This consensus on the definition of the causes of the conflict was crucial for devising a common mediation strategy."

The OAU was called to react in the case of Burundi as soon as the crisis erupted. Already in October 1993, regional leaders (Rwanda, Tanzania, Uganda, and Zaire) asked for an OAU-led intervention force. The OAU proposed a Mission for Protection and Restoration of Trust in Burundi. The mission consisted of a military force (180 soldiers) and a group of civilian staff. The idea of an intervention force was met with strong opposition from the Burundi army. Consequently, the OAU succeeded only in deploying a team of observers. The extent to which this team was effective is still to be evaluated, but one can affirm that this action did play a deterring role with regard to the Burundi army's actions.

Breaking the Arusha Negotiations Deadlock

From 1999 the warring parties found themselves in stalemate. There was no clear winner or loser. The negotiations were in a deadlock. The combination of the following factors was necessary in order to break this deadlock.

War Fatigue

The signs of war fatigue were evident as early as 1999. After the rebel attack in the north of the capital Bujumbura, it became apparent that the Burundi army was no longer as effective as it used to be. It did not counter attack, as many expected, and there were voices, especially among Tutsi, expressing distrust in the army. This was a significant change in mentality. For over 30 years, the Burundi army was considered a rampart force for the Tutsi minority. One of the best solutions for the apparent ineffectiveness was clearly a negotiated settlement of the conflict, maintaining the minorities' ability to protect their interests.

The apparent war fatigue was connected to several factors. The commanding structure of the army had been dominated by a group of officers from the southern province of Bururi. This was already fueling some tensions and limiting communications and made it difficult for the army to anticipate rebel action.

Despite the substantial increase in resource allocation for the army (around 50 percent of the whole budget), on the battlefield the enemy was difficult to defeat. In the absence of a quick victory, the soldiers were becoming increasingly demotivated. As time passed, some officers became unwilling to risk the lives of their soldiers. On the battlefield, soldiers and rebels noticed that they were living in the same conditions and this brought a kind of solidarity among the two groups. They began to respect each other and occasionally shared food, drinks, and even spoils. The war fatigue the soldiers on both sides were experiencing became a new source of pressure on those involved in the negotiations.

International and Regional Pressure on Burundi's Political Echelon

After Buyoya came to power in 1996, an embargo was imposed on Burundi. The aim of these economic sanctions was to oblige the new government to restore power into civilian hands. Due to ongoing violence, the international community also decided to suspend development aid.

In December 1999, as Nelson Mandela was appointed chief mediator for Burundi, the regional heads of state made it clear to the Burundi conflicting parties that there was no alternative to a negotiated solution. At the same time, they insisted on concluding an agreement as soon as possible. Since

Burundi security, politics, and economy are tightly connected to the region, the main actors had no choice but to seriously analyze the proposed solution. Much pressure was placed particularly on the Buyoya government and the army, because they had more to lose than gain. When Mandela entered the mediating arena, he made it clear that he did not want the negotiation process to go on endlessly.

Mandela's Charisma and Approaches to the Negotiation Process

One of Mandela's important achievements in the negotiations' process was to increase their visibility by internationalizing them. As a consequence, the moral and financial support from major powers was also increased. Mandela was able to achieve this thanks to his charisma and the respect that world leaders and the international community in general had for him. The South African icon helped leaders look at the negotiations from a different perspective and this resulted in much more consistent support.

Arusha Negotiation Rounds and their Achievements

The Burundi negotiation process consisted of two major phases. The first phase began with the resuming of peace talks in June 1998 in Arusha, Tanzania under the facilitation of Mwalimu Julius Nyerere and his team. Nyerere, as facilitator, played an important role in gathering all the parties that were key players in advancing the process. Nevertheless, Nyerere was contested by UPRONA and the army. They accused him of being partial and of defending the Hutu cause. This undermined his action and delayed the process.

In 1999 Nyerere died and was replaced by the former South African President Nelson Mandela. The second crucial phase of the negotiations began with Mandela's facilitation. In August 2000, the Arusha Peace and Reconciliation Agreement was signed. The ceremony saw the participation of a number of renowned leaders including Bill Clinton and numerous African heads of state.

Despite controversies over the successes and shortcomings of the Arusha Peace Process, some significant achievements were made; these include the creation of a platform for a transitional government that would implement the agreement's key provisions. Among other provisions, the power sharing

arrangements played an important role in transforming the Burundi conflict, and in changing how it was perceived. After implementing power sharing arrangements, the conflict shifted from being perceived as solely ethnic to a political conflict, which in turn contributed to easing tensions.

Power Sharing Arrangements

The Burundi conflict has been mainly connected to problems of monopolization of power by a small group of Tutsi minority and the unequal distribution of wealth and opportunities by the existing establishment. During the Arusha negotiations, the provision of power was aimed at addressing this problem and fostering inclusiveness. In the past, several attempts of power sharing have been tested without significant success. These include the Convention of Government agreed upon between 1994 and 1995 (the tandem UPRONA-FRODEBU) and the Partnership for Peace (Pro-FRODEBU National Assembly and the Buyoya Government).

The Arusha power sharing deal awarded the Tutsi minority an over-representation in the different institutions. The 2000 Arusha Peace and Reconciliation Agreement aimed to institutionalize a democratic system of power sharing between Burundi's Hutu and Tutsi political parties, and initiated a three-year transitional period with a grand coalition government.[8] One of the major shortcomings of the power sharing arrangements was the fact that armed groups seemed to have been left out. As a consequence, war continued unabated, causing many casualties.

With regards to power sharing, Burundi explicitly indicated ethnic differences as a necessary condition to reconcile minority rights with the demands of the majority. The aim was to strike an appropriate balance between Hutu and Tutsi in the executive and legislative organs of government, and in the communal councils.

The Arusha Peace Agreement served as a reference in crafting a new constitution for Burundi, laying the foundation for power sharing. According to the constitution, the National Assembly would be composed of 60 percent Hutu and 40 percent Tutsi. The same quota would be respected in the formation of the Cabinet's ministerial portfolios.

Gender was also taken into consideration, as no less than 30 percent of all members of parliament were to be women. In the Senate, the representation

is equal between the two ethnic groups. The parity was also evident within the defense and security forces, where all the groups need to be equally represented in order to increase confidence in these bodies – the army and the police (50 percent for each side). In the case of imbalances, the law provides the use of co-optation as an instrument for correction.[9]

Following implementation, the Burundi transitional government was unable to effectively work in the context of ongoing violence. This prompted the stakeholders to call the armed groups to the negotiating table. On the one hand the CNDD-FDD agreed to negotiate only under specific conditions. On the other hand the FNL Palipehutu decided to continue fighting. This resulted in a potential deadlock avoided thanks to South African leaders Thabo Mbeki and Jacob Zuma's diplomatic efforts.

In 2003, after signing the Global Accord, the armed wing of CNDD-FDD stopped operating. In 2004, the CNDD-FDD entered the transitional government in which its leaders obtained some key positions, including the Ministry of Good Governance. In the same year the cantonment was implemented in eleven sites throughout the country. In November 2004, the demobilization operation began.

Challenges of the Negotiation Process

In the beginning of the negotiation rounds the peace process was delayed because of several factors. One of them was the radical position held by UPRONA leaders, backed by high ranking army officers, according to which there was no need to negotiate with the rebels. This was a position of extremist Tutsis who preferred the status quo. For a long time, the negotiation process was carried out without involving the armed groups such as the CNDD-FDD or the FNL. As a result, when the Arusha Peace and Reconciliation Agreement was signed, there was no ceasefire on the ground. This made it impossible to implement the provisions of the Arusha Accord. Calling the principal armed groups to the negotiation table became an imperative; as Lemarchand pointed out, "The inability or unwillingness of the facilitators to admit to the negotiating table some of the key players, the CNDD-FDD and Palipehutu, is where the role of external actors appears to have been singularly counterproductive."[10] The differing interests of key stakeholders for the peace process constituted another challenging factor.

Since the 2005 elections, which brought to power the former armed group CNDD-FDD, the Arusha Agreement implementation monitoring diminished. The only mechanism that was involved in a follow up of the implementation was the UN Office in Burundi (Bureau des Nations Unis au Burundi – BNUB), whose main task is to monitor the security situation. Its focus has shifted towards the transitional justice process.

One of the enduring challenges is the linkage between the Burundi political and security situation to that of the Great Lakes Region as a whole. Currently, there are two core tendencies which are not only preventing the consolidation of the peace building process, but are impeding democracy. As Judith Vorrath points out, there is a continuing or increasing authoritarian tendency in the ruling governments on the one hand, and emerging divisions and fragmentations (especially among the opposition's political leaders) that indicate new sources for conflict and political gridlock on the other. If these problems are not properly addressed, the gains of the peace talks could be lost.[11] This region remains highly militarized due to availability and uncontrolled flow of weapons across borders. This could be a factor of new tensions.

Conclusion and Key Lessons

Burundi's peace process was very important not only for Burundians but also for the Great Lakes Region as a whole. Regional actors tried to bring a viable solution to this crisis in the framework of "African solutions to African problems." However the process demonstrated that this policy would be difficult to implement because of lack of financial support. It thus became obvious that collaboration with the international community was necessary. One of the challenges related to this collaboration is that the two visions on problem-solving approaches compete in some situations. In addition, the differing interests of key stakeholders hindered the success of the negotiation process.

Some important lessons derived from the Arusha peace process are that it is imperative to be inclusive when this is likely to break the deadlock or to push forward a negotiation process. The second lesson is that under pressure, those involved in negotiations can achieve some success but this doesn't mean the implementation of the agreed principles will follow as

stated. There is a need to create follow up mechanisms in order to ensure that agreements are implemented on the ground. It is also worth noting that one person's recognized authority and wisdom can bring new energy into a process that was deemed a likely failure. Nelson Mandela's charisma was crucial for the negotiation process. However, no one element is sufficient to bring about needed changes; the combination of efforts in resolving problems like ethnic conflict is imperative. One must note that the agreement reached during a negotiation process may be considered as a temporary solution. Ongoing checkups are needed in order to identify new emerging issues and limit their impact**.**

When facing the mission of establishing and maintaining a peace process, the mediators of facilitators must take several measures.

a. First, they should ensure that all key players are on board in the peace process, including those perceived as spoilers, when such a move can help in breaking the deadlock of negotiations.
b. Second, they should create follow up mechanisms in order to ensure that what was agreed on is being implemented on the ground.
c. Third, they should combine efforts in resolving protracted ethnic conflict.
d. Finally, they should ensure ongoing checkups after the agreement has been implemented, in order to identify new emerging issues and limit their negative impact on peace after a country has truly started emerging from the gridlock of the conflict.

Notes

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11 Judith Vorrath, "Political Trends in the African Great Lakes Region," Special Report 279 (United States Institute of Peace, 2011), http://www.usip.org/sites/default/files/Political_Trends_Great_Lakes.pdf.