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Burundi' s Arusha accord

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Towering African figures like Julius Nyerere and Nelson Mandela shepherded the Arusha peace process to a successful conclusion. Yet, as this article emphasises, it took years of intense bargaining and compromises to bring about an end to the civil war.

Burundi's Arusha accord

A complicated and comprehensive process

Tamar Papavadze

In October 1993 Burundi's first democratically elected president, Melchior Ndadaye, was assassinated only a few months after the first multi-party polls in the country since independence in 1962. His assassination sparked a civil war between the Hutu and Tutsi tribes that lasted for more than a decade. Many regional and international actors made attempts to end the conflict, but it was not until 1995 that a peace process in Arusha, northern Tanzania, led by the late Tanzanian President Julius Nyerere, was launched, which soon became the most comprehensive attempt to establish peace in Burundi.

Ten summits of regional leaders were held and different rounds of negotiations were associated with different African personalities trying to influence parties to reach an agreement. After Julius Nyerere's death in June 1998, South African President Nelson Mandela replaced him as the chief negotiator in the process. Considering Tanzania as a biased party, the Burundi government perceived the appointment of Mandela as a victory, because his personality brought a new dimension to the process (International Crisis Group, 2000: i). The Tanzanian facilitation team had been criticized by the Burundi government for the methodology applied in the Arusha process, "especially its formation of negotiation groups on an ethnic basis, failure to take internal dialogue efforts into account and, above all, refusal to allow 'dissident' armed bands to participate in the negotiations" (International Crisis Group, 2000: i).

Nelson Mandela's engagement raised the profile of the process, putting back the Burundi issue on the international agenda (International Crisis Group, 2000). Still, it took two years of intense negotiations to

conclude an agreement, which was signed on 28 August 2000, in the presence of U.S. President Bill Clinton and many regional heads of state. Called the Arusha Peace and Reconciliation Agreement for Burundi, it was signed by 17 groups in addition to the government of Burundi and the National Assembly.

The agreement consists of five protocols, five annexes and three appendices. It is an ambitious document based on three principles:

- Include all parties to the conflict without exception
- Follow the momentum of negotiations and learn the benefits of dialogue and compromise
- Re-establish the rights of the persons who were elected and parties that participated in the 1993 election

The text was finalized after two series of negotiations. First, all parties were engaged in 26 months of indirect talks, which were summed up by the facilitators who also proposed compromises. That was followed by a night of direct negotiations between the two most important Burundian leaders: Pierre Buyoya, president of the republic and leader of the Tutsi-dominated *Union pour le Progrès national* (UPRONA), and Jean Minani, president of the Hutu-dominated *Front pour la Démocratie au Burundi* (FRODEBU) and the leader of G7, a group of seven parties representing mainly the Hutu interests (International Crisis Group, 2000:3-4).

Addressing the commitment problem

The main focus of this article is to analyze how the agreement attempts to chal-

lenge and reduce the risk of the commitment problem.

Considering the anarchy of the international system, Robert Powell (2006) finds that the crucial issue in commitment problems is that states may be unable to commit themselves to following through on an agreement and may also have incentives to renege on it. "If these incentives undermine the outcomes that are Pareto-superior to fighting the states may find themselves in a situation in which at least one of them prefers war to peace" (Powell, 2006:170).

Due to the durability of the Arusha process, we can argue that Nelson Mandela and his facilitation team's main mediation strategy was "promises of monitoring and enforcement", which confronts directly the 'time inconsistency' problems (Beardsley, 2008:726). In other words, mediators can promise to stay involved after the agreement to encourage settlement and enforcement over time. The most common way of international involvement for this purpose is UN monitoring and peacekeeping missions.

The facilitation team led by Mandela was also using a manipulating strategy of pressure called "leveraging costs" (Beardsley, 2008:5). In the presence of various regional leaders and President Bill Clinton, Mandela threatened to resign three times if the parties did not sign the agreement (International Crisis Group, 2000:16).

According to Fearon (1995:10) the commitment problem arises under three conditions:

- When the groups interact in anarchy, without a third party able to guarantee and enforce agreements between them;

- One of the groups anticipates that its ability to secede and otherwise withdraw from joint arrangements will decline in the near future;
- For this group, fighting in the present is preferable to the worst political outcome it could face if it chose continued interaction.

The Arusha process has clear third-party security guarantees for staying involved in the process of implementation. When the agreement was finally reached, regional leaders recognized that it was necessary to provide security guarantees, even military guarantees if necessary. The contribution of South Africa was instrumental in ensuring that the agreement was implemented and the transitional institutions were established. It sent a force of 700 troops in November 2001. The South African Protection Support Detachment was mandated to protect Burundian politicians who returned from exile to participate in the post-agreement political transition. An African Union Peacekeeping Mission in Burundi was deployed in June 2003 with about 3,000

troops, while 1,600 peacekeepers from South Africa, Ethiopia and Zimbabwe also participated in the post-Arusha process (Curtis, 2003:3). It was only in 2004 that the UN adopted a resolution (UNSCR 1545) to send its peacekeeping mission to Burundi to support and help implement the Arusha Agreement (UNSCR 1545, 2004).

Third-party arrangements like these reduce the risk of insecurity and address the commitment problem as the parties involved feel less vulnerable. According to Walter (2002), credible third-party security guarantees are critical to the peaceful resolution of civil wars. She highlights the importance of third-party enforcement and verification in the negotiations when the preferable outcome is power sharing. Thereby, the agreement was aimed at reducing the probability of the commitment problem arising post agreement and, at the same time, reducing the risk of cheating in the period of implementation.

Drawbacks and achievements

The lack of a comprehensive ceasefire is considered to be the most glaring

failure of the agreement. The two most active Hutu rebel groups did not sign the accords in 2000 and continued their armed struggles (Curtis, 2003:3). After the submission of the draft accord on 17 July, the parties had three weeks to analyze it and make suggestions to the facilitation team. The ceasefire talks planned in South Africa in early August between the government and rebels failed. *The Conseil National pour la Défense de la Démocratie* (CNDD-FDD) refused to have a direct meeting with the government, and *Les forces Nationales de Libération* (FNL) did not even agree to travel. Therefore, there could be no perfect “happy ending” in Arusha on 28 August (International Crisis Group, 2000:22).

Peace processes also create spoilers. They usually appear after at least two warring parties have committed themselves to a pact and have signed a comprehensive peace agreement. Stedman (1997:3) defines spoilers as “leaders and parties who believe that the peace emerging from negotiations threatens their power, worldview, and interests and use/are willing to use violence to



PHOTO: JANE SOME/IRIN

Local elections in Burundi in May 2010 were disturbed by outbreaks of violence and allegations of massive fraud. Traditional dancers from one of the opposition parties, the Movement for Solidarity and Democracy, during a performance at the opening of an office in Cibitoke district, Bujumbura.

undermine attempts to achieve it". The crucial difference between success and failure of spoilers is the role played by international actors as custodians of peace. CNDD-FDD and FNL are considered as outside spoilers, who were excluded from the peace process and who excluded themselves and used violence to undermine the agreement.

This type of spoilers are called total spoilers, as they see the world in all-or-nothing terms and pursue total power (Stedman, 1997:4). As these two groups did not get the office they wanted from political negotiations, they continued to pursue their interests through violent means. This scenario is theoretically and empirically supported. Desiree Nilsson (2008: 479-495), who analyzed the UCDP on the conflict behavior of governments and each of the rebel groups in internal armed conflicts between 1989 and 2004, concluded that more often than not the excluded parties continue to fight.

However, a few years later the two Burundian groups changed their behavior when it became possible to accommodate their interests and demands in November 2003, and a Global Ceasefire Agreement was signed between the transitional government of Burundi and CNDD-FDD. A round of elections was held in 2005 and former rebel leader of the CNDD-FDD Pierre Nkurunziza became president (Curtis, 2012).

The most important achievement of the Arusha agreement was its power-sharing mechanism and institutions, which ensured that the interests of all signatories are protected. Power-sharing institutions, by dividing and balancing power among rival groups, minimize the danger of any one party dominating the process or threatening the security of others. The Arusha Agreement included both political and military power sharing (Hartzell and Hoddie, 2003).


Politically, it distributed power across the competing groups. Academics describe electoral proportional representation, administrative proportional representation and executive proportional representation as three areas of political distribution of power (Hartzell and Hoddie, 2003:3). The Arusha Agreement clearly states that the vice-president must be from a different ethnic background than the president and 26 members of the cabinet must be largely representative of the coun-

try's ethnic diversity. The transitional national assembly is made up of four members from each political party and 28 members of civil society, while the transitional senate is made up of two senators from each province with different ethnic backgrounds, including a minimum of three Twa¹ senators.

The military dimension of sharing power considers distribution of the state's coercive power among warring parties (Hartzell and Hoddie, 2003:3). The agreement prescribed that the minister for national defense would not be from the same "political family" as that of the minister for police. Moreover, the defense corps could not have more than 50 per cent members from one ethnic group (Curtis, 2003:3).

Thereby, the Arusha Process was an ethnically-based power sharing agreement with third-party security guarantees. Through institutional engineering, the agreement specifically tried to minimize the negative consequences of winner-take-all majoritarian style elections in an ethnically divided society. It also managed to lay down – at least on paper – a pathway to democratic transition in the country. It was later decided that President Buyoya from UPRONA would stay in his position in the first half of the transition, while Domitien Ndayizeye of FRODEBU would be president for the second half (Curtis, 2012:13).

Since then, however, CNDD-FDD, a former rebel movement, has transformed into a political party and won the elections in 2005 and 2010. Analysts have therefore cast doubts about the success of the agreement in bringing about a genuine democratic change. "Due to the 2010 electoral impasse, the Arusha agreement has been replaced by a de facto one-party system characterized by the end of dialogue between the opposition and the ruling party... The control of the institutions by the ruling party and the absence of a genuine opposition made the power-sharing system defined by the Arusha agreement irrelevant" (International Crisis Group, 2012:i).

Whether the agreement and subsequent peacebuilding processes have been fully successful in achieving their goals is debatable, but what cannot be denied is that Burundi is a much safer place in 2013 than it was at the beginning of the Arusha Process. 

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¹ A minority group in Burundi