

Managing the Tension between Inclusionary and Exclusionary Processes: Building Peace in Burundi

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Abstract

The tension between inclusive and exclusive approaches is present throughout peace processes. The challenge of facilitators, mediators, and parties alike is to determine how to manage these tensions, how to integrate various processes into a comprehensive whole and ensure that those required to implement the peace agreement have access to the process that creates the peace agreement. In particular, how can civil society, an actor of ever-increasing importance in the implementation of peace agreements, be effectively included in the design of the accords? This article examines the tension between inclusive and exclusive processes within the context of the Burundi peace process and the development of the Arusha Peace Accords.

Keywords

Burundi, inclusion, exclusion, peace processes, secret negotiations, civil society, Arusha Peace Process

In one of Bujumbura's newer neighborhoods, there is a section popularly known as "*Quartier Arusha*" – "Arusha Quarter." The quarter received its nickname after a number of participants in the Arusha Peace Process¹ returned to the country and, according to a popularly held belief, built their houses using the per diem acquired during their participation in the Arusha Process. These "collateral

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¹⁾ At the invitation (and insistence) of Tanzanian President Julius Nyerere and the regional Heads of States, the peace process took place in Arusha, Tanzania.

financial benefits,” accrued from participation in the numerous meetings that made up the peace process, are blamed for the split of several political parties – as those who did not go to Arusha did not benefit from the per diems – and more importantly resulted in the denigration of the process by those who had not participated in it. For many young Burundians, *Quartier Arusha* symbolizes much that was wrong with the Arusha Process: it was an exclusionary process, in the sense that it was perceived to cater to the interests of the elite, rather than the interests of the entire population. It did not include two of the critical parties, the Conseil nationale de la défense de démocratie – forces de défense de la démocratie (CNDD-FDD) and the Parti pour la libération du peuple hutu – Forces nationales de libération (PALIPEHUTU-FNL), who at the time continued to use violence as a means of satisfying their demands. Finally, the process did not successfully integrate the voices of those who were critical to the *implementation* of the Arusha Accords – Burundian civil society.

The tension between inclusivity and exclusivity in peace processes is a profound one. In all aspects of process design there are opportunities to exclude or to include parties. When and how these decisions are made not only impacts the success of the negotiations themselves but, perhaps more importantly, if and how any agreement is subsequently implemented. The Burundian peace process offers important lessons for process design, as the Burundians’ long and complicated road to peace has been beset by both pitfalls and successes as peacemakers have struggled to manage the tension between inclusion and exclusion.

In the case of Burundi, this tension between inclusion and exclusion has manifested itself in at least two important ways. First, the decision by two of the parties to engage in secret talks changed the very nature of the public Arusha Process. Given public perceptions that the secret talks and the Arusha Process were linked, no longer could the public process purport to be inclusive – a critical element in a process that was attempting to address a decades-long conflict whose very roots lay in exclusionary practices. In this paper we ask: Were the secret talks effective? If not, why not? What can be learned from how the talks were managed and how they were integrated into the larger peace process?

During peace negotiations, a commonly used process design strategy is to limit the number of parties present at one stage of the negotiation process and sometimes to conduct those meetings in secret. The role of secret negotiations in peace processes however is a delicate one. Much may be gained from a secret process: it can present an opportunity to bring parties to the table who might be unwilling to be seen as publicly joining an ongoing process; it is a forum in which issues or options can be raised outside of the harsh glare of the media spotlight; and it can provide an opportunity to apply pressure on recalcitrant parties. However, secret negotiations also risk complicating on-going, more public peace processes, especially when the integration of one process into the other is not well-managed. Wanis-St. John (2006) discusses motivations, opportunities and risks of using

secret “back-channel” negotiations in peace processes. As we will explore below, the decision to conduct secret talks in the Burundi case was well-founded. However, it is how the parties managed the talks and the failure to successfully integrate them into the overall peace process that caused them to founder, and ultimately, to be perceived as only marginally useful to the larger Arusha Process.

The second way the tension has manifested itself in the Burundi case is in the challenge of determining who is included in the negotiations at all – who gets a seat at the table? When? How is that decision made and by whom? The subsequent impacts of how this second tension was managed continue to be felt today, as Burundians attempt to move from *peacemaking* to *peacebuilding* and the implementation of the Arusha Accords. Often those excluded from peace processes are parties to the conflict – either those who have not been invited to the table or, as in the Burundi context, those who have been sidelined during the process. However, in recent years, another ‘party’ has been demanding a place at the table in many conflicts, and there is little consensus on how to manage these demands and take into account their interests. *Civil society* in many countries in conflict has begun to play a larger role, not only in the implementation of peace accords but also in the design of the content of the accords themselves. In Guatemala for example, there were at least two bodies, the Grand National Dialogue and the Civil Society Assembly, which played significant roles in shaping the content of the peace accords in that country’s peace process, including defining the issues that the peace accords were meant to address (Alvarez 2002). While the involvement of civil society has begun to be seen as a key to the success of almost any peace accord, especially as the civic sphere is the domain in which many parts of an accord are implemented, among peacemakers questions remain concerning how and when to involve civil society in the overall process.

Decisions about how the process is designed and who to include are necessarily conflict-specific, especially when considering the involvement of civil society in these processes. The questions that need to be answered before finalizing such a design include: How is the decision made to include previously excluded parties such as civil society? What role will civil society be asked to play in the implementation of the peace agreement? Does civil society’s level of development matter? And what about ways that civil society might have contributed to the conflict? In Burundi, the answers to these questions have posed a particular challenge because of the very nature of the conflict, the nature of civil society, its relative youth in the history of Burundi, and its perceived role in the conflict. Ultimately, we argue that the Burundi case demonstrates that the long-term benefits of designing inclusionary processes far outweigh the short-term gains of exclusive processes. Thus, in the quest for more durable agreements, peacemakers need to design processes that not only achieve agreement but which sufficiently set the stage for implementation by involving key parties from the beginning of the process.

Setting the Stage in Burundi

Burundi is a small, mountainous, central African country of approximately 7 million people, who are divided into three ethnic groups: the Hutu (roughly 85% of the population); the Tutsi (roughly 14%); and the Twa (roughly 1%). Burundi has recently emerged from over four decades of civil strife, most recently characterized by a 13-year civil war. During this four-decade period it is estimated that over 300,000 people have been killed, tens of thousands displaced and at least 800,000 forced to flee the country (LeMarchand & Martin 1974, LeMarchand 1996). This timeframe has been marked by two particularly violent periods. The first occurred in 1972 when the Tutsi-led government systematically killed at least 100,000 mostly educated Hutu (LeMarchand 1974: 5) (some Burundian politicians estimate as many as 300,000 deaths). This resulted in a mass exodus of several hundred thousand Hutu to neighboring countries – a refugee and humanitarian crisis that continues to reverberate today. The second period was after the assassination of Burundi's first democratically elected president, Melchior Ndadaye, in October 1993, when at least 100,000 Tutsi were targeted and killed by Hutu extremists. This was then immediately followed by reprisals led by the Tutsi-dominated Army in which tens of thousands of Hutu were killed (Reyntjens 1993: 582).

To understand the cyclical and ferocious violence experienced by Burundians during the past four decades, it is important to examine the origins of the Burundian conflict. At its roots, the Burundian conflict is one of exclusion. While this sentiment of exclusion has ultimately come to have an ethnic taint, it is not ethnicity *per se* that is the root cause of the conflict. Ethnicity has been wielded as a political tool, to manipulate perceptions of all ethnic groups as to the real source of the conflict. As in neighboring Rwanda, access to resources, the benefits of the state – including political and military power, education, and access to employment and economic opportunities – were limited to a very narrow sector of society, ultimately concentrated in primarily one ethnic group, the Tutsi, and from one region of the country, the southern province of Bururi. Over time, efforts to limit that access became increasingly violent as the majority of citizens began to claim their due (Wolpe 2007, LeMarchand 1996). The resulting dynamic is a Tutsi minority resorting to pre-emptive violence to protect itself from what it sees as the threat of extermination by the excluded majority, the Hutu, who in turn have resorted to using violence to achieve change in an oppressive and exclusive political system.

Toward the Arusha Peace Process: A Mediated Front Channel

Initial efforts to stabilize the country by the United Nations began immediately after President Ndadaye's assassination in late 1993; however, the peace process

was not launched until 1996 when Tanzanian President Julius Nyerere was named as mediator by regional heads of state. Arusha, Tanzania was chosen as the site for the peace talks, which then entered the popular lexicon as “the Arusha Process.”

Even after the designation of the mediator, the public process did not really get underway until 1998. The delay was due to several factors. Increasing violence in Burundi reinforced the mutual demonization of Hutus and Tutsis, making the idea of negotiations very difficult to promote within their respective internal constituencies. Also, in 1996 Major Pierre Buyoya took power in a bloodless *coup d'état*, leading the region's heads of state to question the legitimacy of President Buyoya as the leader of the Burundian delegation to the peace talks. Because of this lack of legitimacy, the region's leaders insisted that Buyoya remove the ban on political parties within Burundi and restore the functional legitimacy of the National Assembly. Finally, in 1998, President Buyoya and the leaders of the two principal parties, Tutsi-dominated Union for National Progress (UPRONA) and the Hutu-dominated Front for Democracy in Burundi (FRODEBU) succeeded in building an internal partnership that led to the representation of most of the various interests at Arusha. In July 1998, Nyerere launched the “All-parties” talks, marking the effective beginning of the negotiations. As discussed below in our next section, Buyoya's government was also engaged in parallel back-channel talks with the main rebel group, the CNDD. But here we first consider the front-channel, mediated Arusha Process.

The Arusha Process was an unwieldy one. Ultimately, seventeen parties were represented at the All-parties talks, many of which were little more than representatives of politico-economic networks of Tutsi. The challenge presented by this focus on political parties was that two of the rebel groups had distinct political and military wings and only the political wings were represented at the negotiations in Arusha. In addition, during the peace talks, the principal rebel party, the Conseil national pour la défense de la démocratie/National Council for the Defense of Democracy (CNDD) split, with the military wing effectively declaring its independence from the political wing. The “original” CNDD, led by Leonard Nyangoma, remained part of the peace process; but the splinter faction, the CNDD-FDD (Forces pour la défense de la démocratie/Forces for the Defense of Democracy), continued to pursue a military solution to the conflict. Even so the CNDD-FDD tried to keep their negotiation options open by simultaneously demanding their own seat at the table in Arusha. However, the resistance to their inclusion was fierce, both by Nyangoma, who wanted to retain his primacy as the lead negotiator for the CNDD and amongst the various extremist Tutsi parties who considered all the rebels *genocidaires*. More importantly, as other parties began to split – the Parti pour la liberation du peuple hutu (PALIPEHUTU) also split into its respective military and political wings during the Arusha process with the PALIPEHUTU-FNL (Forces pour la liberation nationale/National Liberation Forces) continuing to fight in Burundi – Tanzanian President Nyerere

became concerned that the process might become completely unmanageable. To counter this ongoing fragmentation, he insisted that any parties or movements that split during the Arusha Process were not permitted a seat at the table unless they assumed different names – a request that was refused by the parties as they were struggling to assert their “rights” over representation of the Hutu (Wolpe 2007). The result was the effective exclusion of the two most powerful armed rebel groups from the peace process. It also meant that any agreements reached at Arusha concerning the fighters on the ground would be virtually meaningless.

Ultimately, during the negotiation process, the parties regrouped and coalesced into two blocks: the G-10 led by the Tutsi-dominated UPRONA party and the G-7 comprised of the groups dominated by the Hutu. This provoked a response within Burundian civil society with organizations and individuals similarly aligned: *La Convergence*, whose members supported Buyoya’s policies, and *L’alliance nationale pour le changement*, which was focused on advocating change in the overall political system. While on the one hand ostensibly hardening positions of the two ethnicities, the split between the G-10 and the G-7 ultimately rendered the negotiation process more manageable as the interests of the two ethnic groups began to be grouped under two banners, rather than 17 separate sets of demands.

Further progress during the Arusha Process was hampered by several factors. First, there was a lack of confidence between the parties and the mediator. Tutsi perceptions that Nyerere was not a neutral mediator were based on his support for sanctions against the Buyoya-led government after the 1996 coup and the fact that Tanzania was host to the largest number of Burundian refugees, the vast majority of whom are Hutu. Second, the CNDD-FDD, the armed wing of the CNDD that had split from Nyangoma, had heightened its attacks on Burundi from its base in the Democratic Republic of Congo (DRC), ostensibly with support from Laurent Kabila. Recognizing that progress on the ceasefire depended on bringing the armed belligerents to the table, Nyerere attempted to bring Jean Bosco Ndayikengurukiye, the CNDD-FDD leader at the time, on board. However, Ndayikengurukiye did not see the Arusha process as meeting his interests, especially given his strong alliance to Kabila and the support he received from the DRC, and therefore he refused all invitations to join the peace process. This inability to bring Ndayikengurukiye to the table reinforced Tutsi perceptions that the mediation team was not doing enough to get all parties to the table. Finally, structural flaws in the Arusha Process itself led to much time being wasted at each formal meeting because very little follow up was done by the facilitation team between meetings, leaving the parties with the sense that they had to start from scratch each time they came together (Wolpe 2008).

In late 1999, Julius Nyerere died and the region’s leaders were faced with the task of replacing the Arusha Process mediator. Former South African President Nelson Mandela was selected, and it was understood that the Tanzanian team

would work with him to complete the negotiation process. Mandela's facilitation style differed greatly from that of Nyerere, and under his stewardship the process took on a much more coercive nature (Wolpe 2007). Whereas some significant progress had been made by the various working groups under Nyerere's leadership of the process, it was extremely time-consuming, much to the dismay of regional leaders. Wishing to conclude the Arusha Process without further delay, Mandela suggested a change in the process: the several working committees charged with developing solutions to issues such as composition of the army, power sharing within the government, the leader of the transition process, etc, were to quickly complete their work, and the Tanzanian facilitation team would then take that input and develop a final draft accord. The mediation team would play the role of "solution generator" rather than "facilitator" of the process, especially where there were still strong differences between the parties. The mediation team would make suggestions in the draft agreement on how to handle such differences, which would then be approved by the parties. Bowing to pressure from Mandela, the facilitation team and the international community, the parties to the Arusha Talks agreed to the change in methodology and in a few short months an agreement was reached. The *Accords d'Arusha pour la paix et la réconciliation nationale*, popularly known as the Arusha Accords, were concluded on August 28, 2000 (Wolpe 2007).

The Arusha Peace Accords provided imperfect political prescriptions for the resolution of many outstanding issues that divided Burundian society, including percentages for ethnic power-sharing in all of the governing institutions, as well as a framework for further debate and decision-making. In brief, the agreement called for the drafting and adoption of a new constitution; implementation of reforms within the judiciary, civil administration, defense and security sectors (significantly, the Burundian Army was to be reformed and comprised of 50% Hutu and 50% Tutsi); adoption of an electoral law; the establishment of an independent electoral commission which would then oversee free and fair elections; adoption of laws on political parties, local administration, and the press; the establishment of a National Truth and Reconciliation Commission (TRC); resolution of land disputes and provision of compensation for lost land; and repatriation, resettlement and reintegration of refugees and the internally displaced.²

Unfortunately, the one thing the Arusha Peace Accords did not end was the war. Because the two main armed factions were not present at the negotiation table in Arusha, they continued their armed struggle against the transition government, claiming that the Accords did not apply to them. Thus, the war continued until a ceasefire agreement was reached in December 2002 between the Transition Government, led at the time by FRODEBU's Domitien Ndayizeye,

² *Arusha Peace and Reconciliation Agreement for Burundi*, 28 August 2000 (accessed at http://www.usip.org/library/pa/burundi/pa_burundi_08282000_toc.html).

and the CNDD-FDD, now led by Pierre Nkurunziza, paving the way for the CNDD-FDD's entry into government in November 2003 and eventually its participation in the 2005 elections. The hope was that the ceasefire agreement would stop the war once and for all. A fragile peace was achieved, but it was far from complete because PALIPEHUTU-FNL was not a signatory to those agreements.

In 2005, a series of elections were held, resulting in the decentralization of power within Burundi. First, elections were held at the commune level, then the National Assembly was elected, followed by the indirect election of the President by the Assembly and Senate, and ending with the hillside council elections (Burundi's smallest administrative unit). Pierre Nkurunziza, formerly head of the CNDD-FDD rebel movement (now an official political party), was elected president, and his party dominated elections at other levels as well. While the electoral process proceeded with very little violence and the results were recognized by the international community as generally free and fair, it is nevertheless widely recognized that the electoral process was only the first step on a very long road to achieving a lasting peace in Burundi. Nevertheless it helped lead to the Arusha peace process' next milestone: negotiations with the PALIPEHUTU-FNL.

The "Comprehensive Ceasefire Agreement between the Government of Burundi and the PALIPEHUTU-FNL" was negotiated in fits and starts after Nkurunziza's election in August 2005 and finally signed on September 7, 2006 in Dar es-Salaam, after much prodding from the international community. The Comprehensive Ceasefire Agreement broadly makes provisions for the following: an immediate ceasefire between the two parties; cessation of propaganda and other activities that could impede the implementation of the peace process; the establishment of a Joint Verification and Monitoring Mission with international participation; the assembly of combatants for eventual demobilization and reintegration; and oversight of the entire process by the region's leaders. As of this writing (January 2008), that agreement has yet to be implemented.

Inclusion versus Exclusion: The Secret Back-Channel

As noted above, the public Arusha Process was not the sole effort to achieve peace in Burundi; secret negotiations were also utilized to move the process forward. In mid-1996, the Arusha Process had yet to get off the ground and mutual Tutsi-Hutu demonization made the prospect of negotiations a distant dream. It was at this time that Don Matteo Zuppi, the Africa expert in the Catholic lay order Sant'Egidio, held discreet, separate talks with both representatives of the Buyoya government and representatives of the CNDD to determine if there might be an interest in meeting. Buyoya was particularly keen to engage the CNDD because the difficulties encountered by the region's leaders in getting the formal peace process started at Arusha and the anticipated focus at Arusha on a political solu-

tion, rather than negotiating a ceasefire with the armed belligerents, meant that violence continued within Burundi. Both parties agreed to hold secret meetings in Rome under the auspices of Sant'Egidio (Wolpe 2007). The purpose was to build confidence between the two warring parties and initially to deal with issues specific to the armed conflict, as distinct from the political one, in the development of a more sustainable peace plan that would ultimately emerge from the Arusha Process. The distinction between the military and political agendas was one insisted upon by Nyerere. As will be discussed below, Nyerere felt that Arusha was the more appropriate forum to discuss a comprehensive political solution to the conflict. After a somewhat rocky start in which the parties refused to even greet one another, the Rome talks finally got underway in November 1996. Following Don Matteo's methodical style, the parties slowly established a working relationship, arriving at agreement on the agenda for the talks by the end of the second set of joint meetings in December 1996.

Almost from the beginning, however, the Rome talks encountered challenges. While progress was made on jointly identifying issues and agreeing on the modalities of the talks, factors outside the control of Don Matteo Zuppi were increasingly complicating his efforts. The talks ultimately foundered because of a perception of violated trust and an inability to effectively integrate the Rome effort into the Arusha Process (both of which we consider next), coupled with the changing regional context.

First, despite efforts to ensure the integration of the two processes, there was a perception of "competing peace processes," particularly on the part of the region's mediator. This was due in part to a desire to maintain control of the process, as well as a certain jealousy of the role of the regional heads of state vis-à-vis the West. The Arusha Process was to be truly 'Africa owned and managed.' Efforts by Westerners to influence this process, however well-meaning, were not enthusiastically welcomed by the region's heads of state (Wolpe 2007). This resulted in Nyerere placing constraints on the process undertaken by Sant'Egidio, greatly limiting Don Matteo Zuppi's ability to respond to the needs of the parties. Most importantly, Nyerere insisted that the Rome talks only address the issue of a ceasefire and could not deal comprehensively with the political settlement of the conflict, which he wanted discussed exclusively within the Arusha framework. While the parties were able to discuss certain principles that needed to be addressed within the context of the All-parties talks, this constraint resulted in enormous frustration on the part of both the Burundian government and the CNDD, as the incentive to enter into a ceasefire was clearly linked to the final political resolution of the conflict.

Second, by their very nature, the Rome talks had to remain largely secret: any progress made during the talks could not be shared. This presented a dilemma for both parties. On the one hand, the CNDD wanted to be seen as being constructive and contributing to the peace process in order to counter charges that they

were “*genocidaires*.” In addition, they wanted the Rome talks to form the basis of any eventual agreement, rather than Arusha Process, in part perhaps because they were 50% of the equation in Rome, whereas in Arusha they would be one of several parties to the talks. For his part, Buyoya desperately wanted the sanctions imposed by the region’s leaders after the coup d’état in July 1996 to be lifted in order to help him deal with Burundi’s extremist factions. He hoped that demonstrable progress in the peace process would serve to satisfy the regional leaders that the Burundian government was engaged in making peace, thus leading to the easing or even lifting of the sanctions. In both cases, the dividends to be gained from Rome could only be realized if the results of the talks were shared – impossible at the time because neither constituency was prepared to publicly accept the other as a legitimate negotiating partner.

Finally, the Rome talks took place at time when violence in Burundi was increasing and Tutsi hardliners within Burundi were even less inclined to seek a negotiated solution to the conflict. Without a publicly negotiated ceasefire, hardliners were not even willing to support Buyoya’s efforts to move the Arusha Process forward. While one of the main objectives of the Rome talks was a ceasefire agreement, Buyoya was confronted with another dilemma: how to negotiate a ceasefire in secret and then have that integrated into the public process, thus revealing that he had ‘consorted with the devil’? Given that the Rome talks would have been reviled by his internal constituencies, it became politically impossible for Buyoya to contemplate strategies that would fully integrate the progress made in the secret Rome talks into the formal Arusha Process.

In the end, the secret talks ground to a halt when, in April 1997, desperate to demonstrate his government’s commitment to a negotiated settlement, Buyoya leaked word of the talks and their progress to regional leaders (Wolpe 2007). The sanctions were eased soon after this leak, contributing to a perception that they had been eased as a result of Buyoya’s participation in the secret talks. Upon learning of the leak and the easing of sanctions, the CNDD delegation was furious. The May 1997 meetings in Rome that followed the leak were unproductive and filled with mutual recriminations and charges of violated trust. As the Rome talks were now no longer secret, they quickly lost their efficacy and came to an end.

While there are clear advantages in holding negotiations far from the public eye – for example, increasing the possibility of access to new or more information from the parties about their goals and interests; building trust between parties; and structuring processes that privilege brainstorming and postpone commitment, all of which were important in Rome – secret talks can render the process of peacemaking more complicated. Two lessons emerge from the Burundian context and are relevant to our discussion of inclusiveness in both the design and implementation of peace accords. First, the very nature of secret negotiations makes their progress especially challenging to integrate into the formal peace

process, in particular when such talks do not include all parties to the conflict. This was particularly true in Burundi, where the secret talks included only two of the many parties, thus reinforcing a perception of exclusion. Second, while secret talks offer the opportunity to gradually integrate recalcitrant parties into a peace process, they pose a challenge to parties as they attempt to later bring their constituencies on board. The ultimate disclosure of any progress made during secret talks, particularly before all objectives have been achieved during those talks, can have negative political consequences. Having spent months, years, or decades demonizing the other party, it then becomes difficult to imagine them as a partner in peace, and trust between the negotiator and his constituents can be severely threatened or even destroyed (Wanis-St. John 2006).

The issue of integration was a challenge from the beginning of Don Matteo Zuppi's initiative to bring the belligerent parties together in Rome. Most significantly, because no ceasefire agreement was reached at the Rome talks, the Rome forum lost its *raison d'être* for Nyerere and his willingness to integrate the two processes diminished substantially. The Rome talks were then perceived as being not only a secondary forum, but in fact no longer worth a significant investment. Perceptions by the mediator of competing processes exacerbated tensions and made it even less likely that advances which took place in the secret talks would influence what happened at the table in Arusha – this was especially true as Nyerere at the time was preparing for the All-parties talks, which had originally been scheduled to begin in mid-1997. He did not want anything to interfere with that schedule (Wolpe 2007).

Secondly, and perhaps more importantly, the secrecy of the Rome talks implied that they excluded other parties, which in turn meant that any results from this “exclusive” process would be difficult (though not impossible) to integrate into the more comprehensive Arusha Process. The whole purpose of Arusha was inclusiveness – bringing to the table all parties that could possibly play a role in Burundi's future. The ‘artificiality’ of the Arusha Process was the price to be paid for bringing all potential spoilers into the process. Their inclusion ultimately served to mitigate their negative influence on the process, as their interests could then be taken into account, and potentially reprioritized within the structure of the peace process.

Ironically, one positive result of the Rome talks was the full integration of the CNDD into the Arusha Process, as it became clear that Rome could no longer serve as the preferred forum sought by Nyangoma. In Rome, the prominence given to Nyangoma and the CNDD underscored his own perceptions that the CNDD was the real power to be reckoned with, not the minor players present at Arusha. In Arusha, the CNDD was one of 17 parties, whereas in Rome they were one of only two parties, according them far more influence. This perception had led Nyangoma to virtually withdraw from the Arusha process. However, once Rome was no longer an option, the CNDD was forced to re-engage and to fully participate in the Arusha Process.

The Burundi peace process also offers lessons on the need to manage the tension between secrecy and transparency. When Don Matteo Zuppi was contacted by Buyoya in 1995 and in turn contacted the CNDD at the beginning of 1996, it was impossible to imagine that these two parties could be present in the same room, much less sit at the same table and negotiate. Violence in Burundi's capital city Bujumbura was on the rise, with Hutus being systematically "cleansed" from the city. In the countryside, the Tutsi-led army was attacking hillsides where they perceived rebel sympathizers to be hiding, and the rebel army did the same to communities they accused of being government 'collaborators'. It was largely the civilian population that suffered. Within the two dominant parties, UPRONA and FRODEBU, extremism reigned, leaving little room for a reasoned approach to dialogue. Indeed, upon taking power, Buyoya had even publicly stated that he would *never* negotiate with *genocidaires* (Van Eck 1998). In this atmosphere, while it was clearly necessary to bring the belligerent parties to the table, it could not be done in a public forum.

When he leaked the existence of the Rome back channel, Buyoya not only lost credibility with the CNDD (because of the perception that the sanctions were lifted as a result of leaking news of the talks – a significant breach of trust), he also lost credibility with hardliners within his own party for having negotiated with the very "*genocidaires*" that he had publicly pledged to avoid. This internal constituency problem was not without real negative consequences for the peace process. Feeling that Buyoya was being manipulated by the region's leaders and bowing to international pressure rather than protecting their interests, the Tutsi hardliners responded by doubting his very ability to lead Burundi in the negotiation process and to protect their interests and those of the Tutsi minority. To counter this perception, President Buyoya decided to take a hard line internally and executed six persons allegedly involved in the 1993 violence that followed the assassination of President Ndadaye. The international community, particularly the region's leaders, decried this decision, and their confidence in Buyoya as a legitimate interlocutor for Burundi plummeted. This setback caused relations with the mediator to deteriorate and contributed to delaying the peace process for almost a year.

A positive consequence of the Rome talks being made public was that this served as a catalyst for the establishment of what has become known as the "internal partnership" within Burundi, which was to ultimately help to bring the various parties to the table in Arusha in 1998. Recognizing that external efforts had failed and internal extremists were gaining the upper hand, parliamentarians from both UPRONA and FRODEBU began to work together to create the internal conditions that would permit all parties to participate at Arusha. Coupled with an effort from President Buyoya to restore a working relationship with the National Assembly, political party leaders worked to mitigate the impact of extremists, both inside and outside of Burundi, both Hutu and Tutsi, and to

promote dialogue and negotiation. In the end, the “internal partnership” was a necessary precursor to the Arusha Process as it helped to shape internal expectations and to recreate a modicum of trust between the region’s leaders and the government of Burundi.

Thus, while they might be termed “exclusionary,” the secret Rome talks succeeded in achieving some very limited goals, most importantly bringing on board a key party to the conflict at a time when talks seemed almost impossible. Defined in this way, secret talks can certainly serve a purpose in moving peace processes forward. And at the time the Rome talks began, “exclusion” was not only important – it was necessary.

The lack of buy-in of the Arusha Process mediator to the Rome process, the constraints placed on the facilitators of the Rome talks, the absence of a strategy to bring local constituencies on board, and the lack of a mechanism to assure that gains made in Rome could then assist the parties in achieving their other goals all served, however, to undermine the potential positive impacts of the secret negotiations.

Inclusion versus Exclusion: The Role of Civil Society in the Negotiation and Implementation of the Arusha Accords

The second tension that the Burundi case illustrates is the difficulty of including in negotiation processes some of the newer actors demanding a seat at the negotiation table. In particular, civil society in many countries in conflict has increasingly insisted upon having a voice, not simply in the implementation of a peace agreement but in the process by which those agreements are made.

During conflict and in a post-agreement implementation phase, civil society plays an ever-increasing role in pushing for change in many countries. As countries attempt to use democratic rather than violent means to assure this change, civil society can play a critical role in areas such as advocating for non-violent means of conflict resolution, building bridges between former adversaries, helping communities re-knit their social fabric, and filling gaps left by a government that is overwhelmed by other priorities. However, these organizations and individuals want to be in on the ground floor. The emergence of strong civil society entities playing this kind of role can be seen in the South African experience in crafting their constitution and in the establishment of the Civil Society Assembly in Guatemala (Alvarez 2002).

The specific context of the Burundian conflict makes clear that the choice to include civil society in the negotiation process is a decision fraught with challenges. It is necessary to examine the role played by civil society in the conflict, assess its relative maturity, and evaluate its capacity to truly serve the interests of the population prior to making the decision to include it at the negotiation table.

Civil Society in Burundi: An Historical Perspective

“One of the important characteristics of democratic societies is the existence of organizations that are neither public . . . nor commercial . . . These organizations . . . reflect a fundamental freedom in democratic societies – the freedom of association” (Gidron et al. 2002: 10–11). Such organizations form the basis of civil society.

Burundi’s contemporary civil society began to emerge in the early 1990s and as such is a relatively new phenomenon there. According to one expert (Uvin 2007), in 1991 Burundi had only one organization that could be described as being part of civil society. By 1993 at least 5 organizations had emerged, and throughout the most recent civil war, the number of organizations exploded, led by several human rights-based organizations (Uvin 2007). However, it must be noted that these organizations have been highly ethno-centric, overwhelmingly dominated by elite Tutsi and *not* representative of the majority of the population, in contrast with our own definition of civil society: *groups of citizens organized to promote their interests as well as the interests of the unrepresented*. The groups are not part of the government and in fact are meant to be a counter point to the activities of the state.

Interestingly, Burundi does have a traditional institution, the *Bashingantabe*, which could be considered a precursor to modern civil society. The *Bashingantabe*’s principal role was to act as the guardians of the values of the people and as the guarantor of the legitimacy of the institution of the original monarchy.³ The *Bashingantabe* are the traditional “judgers of peace and makers of justice” (Ntahombaye 1999). In Kirundi, there is a saying: “Kananira abagabo ntiyimye,” which means that the king never became king without the consent of the *Bashingantabe*. The institution was (and remains) separate from the governing structures of the kingdom (and modern governments), and served as the judicial and moral recourse of society – kingmakers but never kings. “The main purpose of the *Bashingantabe* institution was to offer to the society individuals who were trained and committed in order to be responsible for justice, truth and harmony in their neighborhood” (Ntahombaye 1999: 54). Thus, “the *Bashingantabe* institution was actually a powerful and democratic [traditional] civil society body whose legitimacy and independence stemmed from *Ubushingantabe*” (Nahimana 2002: 116). “*Ubushingantabe* is the embodiment of the common interests, moral and social values which one requires to have to be recognized as *Umushingantabe* and which confers on the *Bashingantabe* social leadership and respect” (Nahimana 2002: 116).

In addition to protecting the community’s values, the *Bashingantabe* were responsible for managing conflict in the community. Given these roles, it was

³ Burundi was a monarchy from the 15th century until 1966 when the king was deposed by his Prime Minister, Captain Michel Micombero.

impossible for someone to move back and forth between the royal court or the political sphere and the institution of the *Bashingantabe*. Once invested, the *mush-ingantabe* (singular of *bashingantabe*) remained so for life (or disgraced, at which time the person could be divested of his title), in order to ensure that the institution retained its independence and hence its integrity. Colonial administrators and post-colonial governments corrupted the institution as they tried to control it, thus reducing its ability to broadly represent the interests of the community.

During the peace process, there were attempts to include the voice of the *Bashingantabe* at Arusha as part of an attempt to engage civil society. However, the *Bashingantabe's* loss of credibility made its inclusion in the peace process as problematic as the inclusion of other civil society organizations.

The Role of Burundian Civil Society in the Conflict

A further difficulty in integrating civil society into the Arusha Process arises from the fact that at its origins, modern civil society in Burundi was unrepresentative. At the time the Arusha Accords were being negotiated, civil society was considered to be closely linked to the Tutsi power base. It was not representative of the majority of Burundians but rather was a set of organizations that brought together elite Tutsi who were then outside of the official power structures within the country. Their ability to represent the interests of the broader population was questionable, and instead they were viewed by international observers and educated Hutus as powerful Tutsi networks opportunistically trying to gain access to the negotiations. As a result, though members of civil society within Burundi were clamoring for a seat at the table in Arusha, the Hutu dominated political parties and the rebel groups refused to allow them into the official process. Indeed, even the churches, which have played a critical role in the resolution of conflict in other countries, were also virtually excluded in the case of Burundi because of their extreme polarization and respective identification with the two dominant ethnic groups (Wolpe 2007). Therefore, the major challenge in including civil society in the Arusha Process was the fact that modern Burundian civil society was itself perceived as exclusionary.

Given this perception and the reality it reflected, it was impossible to make a place at the table for Burundian civil society representatives at the time the Arusha Accords were being negotiated. Including those actors in the peace process, who were by their very nature exclusionary, would most likely have hobbled, not improved, the Arusha Process by replicating the exclusionary politics that brought conflict to Burundi in the first place. Civil society inclusion at the negotiation table should be based on inclusive practices by such groups.

Managing the tension between inclusion and exclusion has thus become the more urgent work of mediators and other peacemakers. Without some acknowledgement of and enhanced capacity to deal with implementation issues, peace agreements will remain no more than signatures on a page. "... [A] peace agreement

can endure only if a new type of relationship is developed between the conflicting parties and new social and economic institutions – based on values that reflect the new reality – are created” (Gidron et al. 2002: 8). This relationship must include civil society actors, as they are critical to the development and implementation of this new “reality” in post-conflict societies.

If it was problematic to include Burundian civil society in the negotiations of the Arusha Accords, could peacemakers have created alternative ways to maximize the participation of Burundi’s citizens? One example within the Burundian context that served to involve ordinary Burundians in the peace process was a series of dialogue missions undertaken by two members of government at the time the Arusha Process was underway. Eugene Nindorera, Minister for Human Rights, Institutional Reform and Parliamentary Relations, and one of the present co-authors, Terence Nahimana, a Deputy in the National Assembly, toured the country from 1997–2000 with the objective of building a constituency for peace through dialogue.

One of the results of the “internal partnership” mentioned above was that the dialogues were built around four themes – all of which were to become the basis of the Arusha Accords: the nature of the conflict; democracy and good governance; reform of the security sector, and development and repatriation of refugees. The goal of the dialogues was to solicit input from Burundians on the four themes, educate them about the Arusha Process and prepare them for the post-agreement phase. While significant as a peacebuilding innovation in Burundi, the dialogues did not specifically focus on existing civil society organizations (impossible at the time due to their ethno-political affiliations) and did not provide mechanisms for the future involvement of citizens in the process or its implementation.

Other countries also offer important lessons for how the inclusion of civil society actors from the beginning of any peace process can positively impact the “making” of peace and not only the “building” of peace. Two positive examples of civil society roles in peacebuilding – albeit with different outcomes – are South Africa and Guatemala.

In South Africa, Local Peace Committees were created in advance of the 1994 elections to manage conflict within communities and to prepare the population for the eventual transfer of power to majority rule. Perhaps more significantly, South Africa’s civil society organizations were involved from the beginning of the struggle to end minority rule, founding such networks and organizations such as the United Democratic Front and the Convention for a Democratic Society (CODESA) and of course working in tandem with the ANC. In fact, “a number of organizations and structures of civil society – particularly those which formed part of the broad liberation movement – worked together with the ANC to assist with developing policy positions and determining priorities for the new South Africa” (Jagwanth 2003: 8). The involvement of civil society from such an early stage positively impacted not only the electoral process but influenced the con-

tent of the South African constitution and “... many of its provisions reflect the concerns of various civic organizations and interest groups” (Jagwanth 2003: 8).

In Guatemala, civil society was involved from very early on in the peace process, after struggling long and hard to have its voices heard, particularly with regard to the role of the military in a future Guatemala and the key elements that needed to be included in Guatemala’s future vision:

Despite the fragmentation, atomization and confrontation inherent in Guatemalan society, the ASC [Asamblea de la Sociedad Civil – the Assembly of Civil Society] became a historical milestone because of the capacity for dialogue, negotiation and agreement between the different sectors that participated in it (Alvarez 2002: 5).

When and how civil society representatives should be included in peace processes is a practice that is likely to differ from conflict to conflict. Given the critical role that civil society plays in the implementation of any peace accord, indeed in “making” peace, more creative solutions need to be developed to assure the inclusivity and their participation throughout the process. Managing this tension will remain the peacemakers’ challenge.

Conclusions: Links Between the Negotiation Process, Civil Society and the Implementation of the Accords

As the case of Burundi illustrates, the tension between inclusion and exclusion is constant throughout negotiation processes. At almost every point in the process, peace facilitators will be obliged to make choices about when and how to include the necessary voices and perspectives in the process. In the design of the process there are ways of ensuring that all key parties have a place at the table; however, at key points and for limited time periods it may be necessary to incorporate what might be deemed “exclusionary” processes to secure the participation of the most recalcitrant parties. It is also in analyzing the management of these tensions that Burundi offers important lessons for other peace processes.

In this light, secret negotiations can be seen as a tool, used by facilitators in the service of the larger goals related to the overall process. While they cannot be deemed a complete success, ultimately the Rome talks facilitated by Sant’Egidio served to fully integrate one of the key parties to the Burundi conflict in the Arusha Process. Without the ability to meet secretly, away from the media spotlight and outside of the internal pressure cooker that Burundi represented at the time, neither Nyangoma nor Buyoya could have dealt with the sensitive issues at hand. While neither appears to have been able to persuade his constituencies that dealing with the other was a wise choice and, as mentioned above, the integration of the two processes proved to be a thorny problem, as a tool in a longer process the secret talks proved useful in the case of Burundi.

As the experience in Burundi demonstrates, the decision to include actors from civil society is highly contextual. The strong links between Burundi's civil society and the ethno-political conflict meant that their inclusion at Arusha was not likely to contribute to peacemaking. But the experience of other countries demonstrates that representative and inclusive civil society may be a critical partner whose participation should be planned for, according to its state of readiness to engage in peacemaking and its ability to distance itself from the conflict. Without the input and indeed the strong participation of a vibrant and broad-based civil society in the process, the implementation of the agreement risks running aground. This presents a question for future research and practice: how can political constituencies – and thus civil society – be actively prepared to face the prospect of peacemaking with former adversaries and be empowered to participate in peacebuilding on non-sectarian, non-partisan grounds?

One final caveat must be raised when discussing the Burundian case, especially when addressing issues of exclusion. While the decision to include certain parties is contextual, this decision must be measured against the consequences of exclusion. Two examples: first, Nyerere's policy of limiting the participation of break-away groups who would not assume different names meant that the CNDD-FDD was not offered a place at the negotiation table at Arusha, and while the subsequent ceasefire accords reference the Arusha Accords, there is a sense that the CNDD-FDD as the current ruling party is reluctantly implementing an agreement to which it was not a party. Some observers might even say that the agreement is only being applied selectively, rather than in its entirety.

Second, while civil society in Burundi now more closely reflects our definition presented above and is more representative of the interests of more and different groups, within decision-making circles in Bujumbura civil society is still largely dominated by those who were refused an official place at the table Arusha. As funds are invested to assist in the consolidation of the peace, there is again a sense of actors being asked to implement agreements in which they had no say. This lack of involvement and of buy-in renders the task of peace consolidation more difficult and underscores the incredible challenge faced by peacemakers as they seek to create effective *and* inclusive peace processes.

The return to peaceful coexistence will depend upon the development of trust amongst neighbors, the reestablishment of working relationships between community members, the reinforcement of a culture of citizenship amongst Burundians and the effective management of negotiations for access to limited resources – most particularly at the community level. The success of these processes will depend upon local leaders and on Burundian citizens themselves. The fact that civil society was largely absent from the process has hampered the ability of Burundians to assist the government in making “real” the peace. The task now is to persuade the organizations and individuals who make up civil society to participate in the implementation phase, having had no input into the design phase of the peace

process. And a critical challenge in the case of Burundi is that the peace accords merely establish the framework for achieving peace – addressing the exclusionary systems and root causes of conflict will require concerted effort by all actors including government, opposition parties and civil society. Whether or not civil society is prepared to take on this role is an open question.

Peace agreements are only as good as the capacity to implement them. Without the necessary actors involved throughout the process, we risk wasting enormous human, financial and social capital. Fortunately, prospects for peace in Burundi are good. The current government has demonstrated that it is engaged in the always-challenging and sometimes messy work of promoting democracy. It remains to be seen if the government can continue to foster an inclusive approach to consolidating the gains already made, especially as they attempt to integrate the last remaining rebel group into the process and build lasting peace in Burundi.

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