

# PRACTITIONER NOTES



Tutsi refugee camp in Burundi, 1994. Copyright Patrick Robert / Corbis

## Practitioner Notes no. 4

# SOUTH AFRICA'S ROLE IN THE BURUNDI MEDIATION: FROM NYERERE TO MANDELA

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June 2015

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ISSN 2306-8078 (print)  
ISSN 2307-1958 (online)

# South Africa's Role in the Burundi Mediation: From Nyerere to Mandela

Ambassador Welile Nhlapo (with Chris Alden) \*

The South African mediation in the Burundi conflict was marked by two phases. The first, led by former Tanzanian President Julius Nyerere and later taken up by South African President Nelson Mandela, culminated in the signing of the Arusha Agreement in August 2000. The second, led by South African Deputy President Jacob Zuma, followed up on the implementation of the Agreement and brought armed non-signatory parties into the process, concluding in 2006 (Nhlapo 2015).

This *Practitioner Note* covers the first phase. It highlights distinctive features of the South African role: the continuity between Nyerere's and Mandela's approaches to mediating the conflict, Mandela's forthright handling of the Burundian parties, and the regional leaders' sustained support for the peace process. Without these features, the machinations of Burundian parties fearful of the outcome of negotiations or intent on disrupting the peace process would have continued to undermine the mediation.

## Conflict and mediation

Since independence on 2 July 1962 Burundi has been wracked by rural poverty and episodes of massive ethnic violence. The minority Tutsis, roughly 14% of the population, controlled the government and dominated the economy, while the majority Hutus, 85% of the population, were systematically marginalized. The country's first Hutu president, and head of FRODEBU (*Front pour la démocratie au Burundi*), Melchior Ndadaye, was elected in Burundi's first democratic election in June 1993. He inherited a national military organized and staffed by Tutsis.<sup>1</sup> Traditionally, the Tutsi-Hima clan<sup>2</sup> provided political leadership of the Tutsi community through UPRONA (*Union pour le progrès national*) and staffed the national military, which Tutsis saw as the 'last line of defence'.

The assassination of newly elected President Ndadaye and six of his ministers by Tutsi army officers on 21 October 1993 triggered a wave of violence by armed Hutu militias and brutal retaliation by the military that resulted in the death of an estimated 300,000 Burundians and the flight of 700,000 refugees to neighbouring countries.

The reaction to this crisis was led by the OAU with the support of the UN. The OAU Secretary General, Salim Ahmed Salim, took on the role of chief mediator and went to Bujumbura on 30 October 1993 in the aftermath of the assassination to hold talks with the Burundian military and the surviving members of Ndadaye's cabinet. The OAU's newly established Mechanism for Conflict Prevention, Management and Resolution (the Cairo Declaration of 1993) prepared a plan for military intervention and disarmament of rebels. The OAU's Mission in Burundi (OMIB) was mandated to help reorganize the army, monitor the militias, reintegrate ex-soldiers and facilitate a reconciliation programme. Salim's appointment of veteran Senegalese diplomat Papa Louis Fall as OAU Special Representative to head OMIB was, however, ultimately ineffectual. The restrictions on OMIB's mandate, the lack of the resources necessary to carry out the mission, and Fall's own public statements, which lost the trust of the Tutsi military, all contributed to the mission's marginalization (Tieku, 2011). Fall's two successors fared little better.

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<sup>1</sup> Pierre Buyoya, a Tutsi, had come to power in a military coup in 1987 but stepped down in early 1993 following a national referendum on a new constitution and democratic elections.

<sup>2</sup> The Tutsi-Hima elite were drawn from southern Rutovu in southern Bururi. Bururi is a small province which provided all the top leadership before 1993.

On 6 April 1994 Ndadaye's successor, President Cyprien Ntaryamira, was killed along with the Rwandan president when their aircraft was shot down by a missile over Kigali. In the ensuing chaos the speaker of the National Assembly, FRODEBU's Sylvestre Ntibantunganya, assumed the presidency. The Tutsi-dominated military, the Hutu CNDD-FDD (*Conseil national pour la défense de la démocratie-Forces de défense de la démocratie*) and the armed Hutu militias, PALIPEHUTU-FNL (*Parti pour la libération du peuple hutu-Forces nationales de libération*) went on a killing spree aimed at both politicians and ordinary citizens.

In this volatile context Ahmedou Ould-Abdallah, the UN's Special Representative (appointed in November 1993), was unable to halt the slide into further conflict. At the same time, the UN's Department of Political Affairs launched an inquiry into the mass killings and the Catholic Church organized internal negotiations which led to the formation of a coalition government composed of 12 political parties under Ntibantunganya in September 1994. This 'Convention of Government' (*Convention de gouvernement*) was an uneasy process whereby Ntibantunganya led the government, along with a prime minister, Antoine Ndiwayo, selected from UPRONA, while the military remained in Tutsi-Hima hands. This arrangement fell far short of the international community's aim of restoring democracy in Burundi. Nonetheless it became the basis for subsequent negotiations.

Salim decided that a leader of greater stature would be necessary to drive the peace process forward. He sounded out former Tanzanian President Julius Nyerere, whose country was affected by the refugee flows from Burundi. Recognizing that Tanzania would be seen as an 'interested party' by some Burundians, Nyerere asked the governments of neighbouring states to endorse his role as mediator for Burundi. These consultations resulted in his appointment by the Great Lakes Regional Peace Initiative on Burundi in November 1995 to lead what came to be known as the Mwanza peace process.<sup>3</sup> From the outset, Nyerere involved the South African government in the peace process and regularly consulted with President Nelson Mandela, and South Africa was formally represented in the mediation, along with donor countries, by specially appointed envoys. In fact, South African representatives had been part of the OMIB delegation to Burundi since May 1995, as the OAU had hoped to harness South Africa's prestige and resources to the task of mediation. The Mwalimu Nyerere Foundation served as the secretariat for the mediation throughout, mobilised financial resources and provided continuity when leadership was transferred to Mandela three years later.

In the midst of Nyerere's preparations for negotiations, conflict between the military and the armed militias linked to Hutu parties — some operating out of refugee camps in Tanzania and Zaire<sup>4</sup> — continued to wreak havoc in the countryside. Ntibantunganya was himself increasingly excluded from the Tutsi-dominated security apparatus and its plans, a fact brought home to mediators who interviewed the president and the chief of the army during a visit to the country in 1995. In the capital Bujumbura the army roamed the streets, while the restive Hutu militias who were aligned to political parties participating in the Convention of Government<sup>5</sup> declared periodic shutdowns of the city (referred to as '*ville morte*' — 'dead city') to demonstrate their growing power.

By this time, the resounding failure of the international community to halt genocide in Rwanda in 1994, where Hutu militias had organised the slaughter of 800,000 Tutsis and moderate Hutus, had become clear. African leaders had begun to find the resolve necessary to take more concerted action in Burundi. As the 1995 OAU summit approached, Burundi took a top position on the agenda. Addressing the assembled African leaders, a clearly frightened Ntibantunganya declared that there were 'no angels in Burundi' and that he could be removed from power by the army. As it turned out, his Foreign Minister had secretly arranged, through South African Foreign

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<sup>3</sup> The negotiating team selected the northern Tanzanian town of Mwanza as the location for the Burundian mediation. Nyerere's position as mediator was formally confirmed by the UN in May 1996.

<sup>4</sup> Renamed Democratic Republic of the Congo in 1997.

<sup>5</sup> These Hutu parties, consisting of political and armed wings, were subject to divisive leadership battles and splintering tendencies throughout the mediation.



Minister Alfred Nzo, to join his family in exile in South Africa immediately after the OAU meeting. This was under the pretence that he had an urgent medical appointment with doctors in South Africa.

The Mwanza peace process began formally in April 1996 and was reconvened in June 1996 following protests by Burundian parties excluded from the discussions. The concurrent publication of the UN Department of Political Affairs' report on the sources of the killings in 1993-1995 laid the blame squarely on ethnicity, singling out particular Hutu militia groups as instigators. Nyerere, however, argued that the UN report's focus on ethnicity was a misrepresentation of the facts on the ground — as he often said, Gandhi's assassination by a Sikh could have easily unleashed a violent campaign against Sikhs, had there been no strong leadership to prevent this — and positively dangerous in that it could become self-fulfilling and end up fuelling more ethnically inspired violence. Already, the Burundian military were using the report's notion of 'Hutu *génocidaires*' to justify herding Hutus into 'protected villages'. It was in this unstable context that the former Burundian president, Pierre Buyoya, was returned to power through a military coup in July 1996, bringing the Mwanza initiative to an abrupt end.

## The road to Arusha: Mediation on three tracks

The failure of the Mwanza process brought a new urgency to the mediation. A 'three track' process developed, consisting of formal talks under the auspices of Nyerere in Arusha, secret discussions between Buyoya and the CNDD in Rome (with mediation by the Catholic lay community of Sant'Egidio), and internal talks within the Convention of Government framework led by Buyoya. In the internal Convention of Government negotiations especially, Buyoya sought to exploit his knowledge of the different negotiating platforms to formulate settlements that favoured his position. These three mediation tracks were eventually to converge into the formal negotiations led by Nyerere and subsequently by Mandela that produced the Arusha Agreement of 2000.

In the wake of the July 1996 coup d'état and the suspension of talks, Nyerere convened a summit in Arusha consisting of regional leaders and the OAU.<sup>6</sup> Ignoring Nyerere's request to step down as chief mediator, the regional leaders pressured the Buyoya regime to release the imprisoned speaker of the National Assembly, Léonce Ngendakumana (who led the only surviving legitimate institution after the suspension of the constitution following the Buyoya coup) and allow him to participate in mediation talks. To give force to their declaration at the Arusha summit that the Buyoya regime should respect the constitution and return to serious negotiations, the regional leaders imposed sanctions on landlocked Burundi, despite criticism by Western governments that the impact of sanctions would be unfairly felt by the Burundian population. Buyoya's eventual decision to reverse his position and release Ngendakumana in September 1996 was attributed to the effect of these sanctions. The regional leadership's determination to stop Buyoya's obstructive behaviour caused him to search for alternative negotiating forums in the coming years.

A parallel process led by Sant'Egidio (whose recent mediation in the Mozambican civil war had led to a peace agreement) began in secrecy in Rome in September 1996. This 'second track' component had the support of Western powers and brought the Buyoya regime into direct contact with CNDD representatives. The special envoys from the EU, US and South Africa argued that rumours of these secret discussions fed into the conspiracy theories that were festering amongst Burundians involved in other negotiation initiatives, particularly the idea that a deal between the 'Bururi elite' (from the small region of Burundi that had produced all the top leadership before 1993) was being engineered behind their backs. In any case, after four rounds of negotiations a framework for a political settlement was agreed on in Rome. This settlement was based on restoration of the constitution, reform of the national military, suspension of hostilities, establishment of a tribunal for justice and reconciliation, inclusion of

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<sup>6</sup> The Arusha summit convened by Nyerere and attended by regional leaders, which ran from June to July 1996 is sometimes referred to as 'Arusha I' to distinguish it from the extended mediation process that followed from July 1996 to August 2000, which became known as 'Arusha II'.

other political parties in the process, a ceasefire, and guarantees related to the implementation of the agreement. After May 1997, with Buyoya and the CNDD unable to agree on the constitution, the Rome discussions came to an end and the focus of mediation shifted back to Arusha.

From mid-1997 Buyoya earnestly promoted the third track 'internal process' of mediation based on the Convention of Government. With many Burundian politicians in exile (and the FDD and other militias outside the process altogether), the legitimacy of a process limited to the 12 political parties who were signatories to the Convention was called into question. Nonetheless, Buyoya pursued negotiations with the internal leadership of FRODEBU and other representatives until an internal agreement was reached in June 1998.

Nyerere recognized that these discussions towards an internal agreement, however flawed, could nevertheless offer a basis for deepening the Arusha process to include other Burundian parties. In particular, he felt that the Convention of Government, with its nominal ties to the original electoral process of 1993, was the only possible legal foundation for a sustainable political settlement in Burundi. The difficulty Nyerere faced was how to identify and designate Burundian delegates to participate formally in negotiations. The 12 political parties who were part of the Convention of Government were recognized as part of the Arusha mediation. However, splinter groups and also political refugees who had fled the country in the wake of the violence claimed to be the legitimate representatives. The case for inclusion influenced the conduct of the parties. Some threatened to use violence to destabilize the peace process in order to secure a formal position in the negotiations. Others used the creation of political parties as an opportunity to claim resources that donors had supplied to support the negotiations. It took nearly three years to finalize the list of delegates — the process had just started in earnest when Nyerere died in a London clinic in 1999.

## South African mediation: Mandela takes over

When Mandela took over at the mediation at the request of the Burundi parties,<sup>7</sup> the mediation was beginning to pick up pace after two years of slow negotiations. Burundian politicians expected, given Mandela's age and unfamiliarity with Burundi, to use the change in mediator to rehash old issues and renegotiate a better deal for themselves. But Mandela's astute diplomacy and excellent memory soon put paid to these aspirations. The Burundian parties were disappointed to find that he retained the negotiating team that Nyerere had used and resisted moving the negotiations to South Africa, as some had hoped. He also retained the principle of inclusiveness, which aimed to involve all Burundian parties in the peace process, guided by South Africa's own experience of internal constitutional negotiations.

Characteristically, Mandela used moral suasion and public shaming to drive the process. At one press conference he called for the intransigent Burundian parties to 'please join the modern world'. At the negotiations, he called on the assistance of a self-described Burundian arms dealer participating in the discussions. This proved to be vital in distinguishing parties genuinely capable of armed conflict from parties merely posturing in order to better their position. Another successful tactic was his insistence that women be among the Burundian representatives – who until that point had all been men. This won him the support of a group whose insider knowledge of their respective parties time and again proved useful in the negotiations.

Not everything South Africa did during this period helped to hasten the peace process. Between January and August 2000 Mandela focused on the role of political prisoners. Driven by his own experience as a political prisoner,

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<sup>7</sup> Mandela managed the mediation through the Mwalimu Nyerere Foundation in his private capacity.

he visited the prisoners and called for their release as part of the negotiations. This unexpected and controversial move threatened to revive some thorny issues of justice, reconciliation and the legitimate representation of political parties and nearly derailed the peace process at a critical stage.

In the end, 19 parties were chosen as delegates to the negotiations at the Arusha conference: the Government of Burundi, the National Assembly and 17 other parties (10 Tutsi parties and seven Hutu parties). The Arusha Peace and Reconciliation Agreement for Burundi was signed on 28 August 2000 before a high-level regional and international audience. It was at this stage that the regional leaders began to afford Buyoya, who had come to office illegally through a coup, with the trappings of leadership. The inclusion of world leaders like US President Bill Clinton, who had appointed special envoys to the mediation, was designed to keep the pressure on the Burundian delegates to fulfil their commitments. Nevertheless, six of the parties, possibly fearful of the consequences when they returned to party headquarters, refused at the last minute to sign the agreement. It took personal persuasion by South African Deputy President Zuma, who brought in Rwandan President Paul Kagame and Ugandan President Yoweri Museveni, to convince them to sign 'with reservations'. Even so, the armed wing of the FDD,<sup>8</sup> led by Jean-Bosco Ndayikengurukiye, and the splinter militia group PALIPEHUTU-FNL, led initially by Kabura Khosane, remained outside the Arusha process.

The Arusha Agreement consisted of five protocols. These related to the nature of the Burundian conflict, problems of genocide and exclusion and their solutions; democracy and good governance; peace and security for all; reconstruction and development; and guarantees on implementation of the Agreement. The Agreement provided for a three-year transitional government consisting of an executive, legislative and judiciary. The task for Mandela was to facilitate the negotiation of each of these protocols and at the same time convince the remaining armed groups to join the political settlement. From the outset there were delays in implementing the agreement, as the Burundian parties could not agree on who was to lead the transitional executive and had to be addressed by Mandela and regional leaders at a summit held in February 2001.

Leaders had to be nominated for the proposed two tenure periods of executive control: a Tutsi for the first 18 months and a Hutu for the remaining time. The 10 Tutsi parties had trouble agreeing on who to nominate but their differences were finally resolved at a special meeting in Pretoria in July. Guarantees were determined for the safety of exiled and returning politicians, the release of all political prisoners and full compliance with the power-sharing arrangements, and South Africa underwrote the guarantees through its funding and participation in a new peacekeeping mission, along with international donor assistance. The guarantees were endorsed at the OAU summit and a regional leaders' summit later that month. The regional leaders said they would impose sanctions if any of the parties violated their commitments during the three-year transition. Mandela was authorized to conduct separate negotiations with the remaining militias who were outside the peace process.

Contrary to expectations, the UN Security Council did not authorize a peacekeeping operation in Burundi to support the political settlement. As a result, Mandela was obliged to ask the South African government to supply troops and resources for what was to be the newly founded AU's first regional peacekeeping operation. The South African Protection Support Detachment, operating under the auspices of the OAU, was deployed in October 2001. The transitional government came into power in November 2001 and Mandela then formally handed over the role of lead negotiator to Zuma. A last-minute bid to introduce a Francophone co-negotiator, President Omar Bongo of Gabon, into the formal process did not, as some had expected, undermine Zuma's authority, as he made considerable efforts to integrate the Gabonese president into the ongoing initiatives. The next phase of the mediation now began, involving the implementation of the Arusha Agreement and the integration of the remaining militias still outside the peace process (Nhlapo 2015).

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<sup>8</sup> The CNDD and FDD were joined up in advance of Arusha but elements split during negotiations.

## Conclusion

The mediation which brought the Burundian crisis from the edge of genocide to a political settlement under the Arusha Agreement was highly complex. It entailed a six-year process of engagement which saw the Burundian parties attempting to extract advantage by manipulating the process and seeking alternative peace arrangements through the various tracks. The success of this extended mediation flowed from two factors. The first was the continuity of vision: Mandela consciously built on the work of Nyerere to achieve a negotiated settlement. The Burundian parties thought the change in mediators would enable them to reconfigure their positions but Mandela's use of the same team and his astute diplomacy made this approach untenable. The second was the regional leadership's firm backing. This was an important element in ensuring participation and compliance — especially by Buyoya and his military — throughout the lengthy mediation. The imposition of sanctions by the regional leadership was also effective. The regional backing was reinforced by the involvement of international leaders, most notably at the signing of the Arusha Agreement, who exerted additional pressure on the Burundian parties.

While the successful signing of the Arusha Agreement provided the framework and substance of a post-conflict Burundi, the elements of trust that were needed to build the institutions and implement the processes envisaged by the agreement were still sorely lacking. Getting the Burundian parties, both inside and outside the Arusha process, to implement the terms of the agreement was the task of the next phase of mediation, led by Zuma (Nhlapo 2015).

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