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Students at peace education class, Bujumbura. Copyright Howard Davies / Corbis

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South Africa's Role in the Burundi Mediation: Implementing the Arusha Agreement

Ambassador Welile Nhlapo (with Chris Alden) *

This *Practitioner Note* covers the second phase of South Africa's involvement as a mediator in the Burundi conflict. The first phase, led by former Tanzanian President Julius Nyerere and taken up by South African President Nelson Mandela, culminated in the signing of the Arusha Agreement in August 2000 (Nhlapo 2015). The second phase, led by South African Deputy President Jacob Zuma and effectively concluded in 2008, built upon the Arusha Agreement and focused on implementing the agreement and bringing non-signatories into the process.

This second phase had three crucial features: continuity between Zuma's approach and that of his predecessors, such as coordination with regional leaders and avoidance of divisive Burundian negotiation tactics; confidence-building mechanisms, based on the South African experience, that drew the Burundians, including dissident factions still operating outside the Arusha Agreement, more fully into the process; and extended and deep involvement in the mediation for over a decade.

A peace agreement in a time of war

The Arusha Agreement was a step forward in the peace process, but in some parts of the country the Tutsi-dominated military continued to fight dissident Hutu militias. In his New Year's address in early 2001, President Pierre Buyoya declared: 'Let us get it right: the country is still at war.' Indeed, his government was intent on herding large sections of the rural population into some 50 strategic hamlets around the country in order to deny the Hutu militias safe haven in the countryside. However, citing the violence that accompanied the military's 'pacification' campaign, the international community refused to provide development assistance to the Burundian government. As a result, the conditions for renewed economic activity and social stability were still far from being realized.

In what was a characteristic of the Burundi mediation throughout, the Burundian parties sought to use any changes to the negotiation process to avoid external pressure to settle on terms they deemed disadvantageous. For example, the Hutu CNDD/FDD (*Conseil national pour la défense de la démocratie-Forces de défense de la démocratie*) tried to exploit Anglophone-Francophone divisions to get a Francophone co-mediator, President Omar Bongo of Gabon, included in the process. Mandela's personal outreach to Bongo scuppered that move. In the end, Bongo worked closely with his South African counterparts, putting considerable pressure on Buyoya and the CNDD/FDD. At the same time, the shift in lead negotiators from Mandela to Zuma inspired the CNDD-FDD to call for formal talks to be moved to Pretoria (or even Libreville) as they were suspicious of Tanzanian influence. The South African negotiators therefore made special efforts to ensure that, while talks might be held in different locations, the integrity of the Arusha Agreement was maintained.

Zuma's role as a leading mediator in the peace process was framed both by his involvement in the final stages of the Arusha Agreement and by his own experience at home. Using the skills which had been widely credited with ending the political violence in Kwa-Zulu Natal in 1998, Zuma steered negotiations towards fulfilling the terms of the five protocols outlined in the Agreement. To keep the process on track, it was important to maintain the commitment to include all parties and to involve regional leaders and external actors like the EU and the US.

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The good working relations forged with the EU and US special envoys, Aldo Ajello and Howard Wolpe, helped secure international support at critical junctures. It was equally important to keep the South African public aware of events in Burundi. This was done through press briefings, parliamentary hearings and civil society actors like Jan van Eck, who engaged in parallel discussions with Buyoya. At the same time, however, as South Africa's commitment to peace on the continent also included facilitating negotiations in the Democratic Republic of Congo (DRC), Zimbabwe and the Comoros, it became apparent that capacity and resources were in danger of being overstretched.

The continuing mistrust even amongst the parties to the Arusha Agreement, exacerbated by the internecine conflict between the Burundian army and the two main Hutu armed groups which remained outside the peace process, presented a considerable obstacle to achieving real peace on the ground. A number of Tutsi-led coups, although thwarted, fanned the fears of all the signatories and paralysed the peace process. Divisions between the various parties were further complicated by splits within the parties, sometimes reflecting differences between their political and military wings.

The road to the transitional government

The Arusha Agreement established five commissions to facilitate the implementation of key components of the peace process: identifying the sources of the conflict; making political and constitutional arrangements, including acceptable transitional government arrangements through power-sharing; ensuring peace and security, particularly with regard to the role of the military; designing post-conflict reconstruction programmes; and setting up guarantees that the Agreement would be fairly implemented. Echoing the South African approach to negotiating an end to apartheid in the early 1990s, the mediators used the tactic of obtaining 'sufficient consensus' amongst the larger parties and then drawing in the smaller Burundian parties and any splinter groups that formed.

It was a complex and difficult task to find a formula that would operationalize the transitional power-sharing arrangements between the signatories to the Arusha Agreement. In contemplating the political quandaries in Burundi, and in their exchanges with the Burundian parties, the South African mediators used their own country's recent experience of transitional power-sharing as a reference point. Detailed arrangements between the two main parties, UPRONA (*Union pour le progrès national*) and FRODEBU (*Front pour la démocratie au Burundi*), involving a six-month rotation of their respective leaders, Pierre Buyoya and Domitien Ndayizeye, were finally agreed on in July 2001. The endorsement of this decision by regional leaders at a summit put additional pressure on the Burundian parties.

However, the agreement by the leaders of the CNDD-FDD and FNL (*Forces nationales de libération*) to a ceasefire in October 2001, just before the formal inauguration of the transitional government in November, caused splits within the two Hutu parties. Jean Bosco Ndayikengurukiye, along with a minority faction of the CNDD-FDD, and Alain Mugabarabona, along with a minority faction of the FNL, became participants in the transitional government, while dissidents representing the parties' majorities withdrew to the bush. These dissident Hutu groups, whose ire was directed as much at their former colleagues as at the Burundian military, were the remaining holdouts to the peace process and their case occupied much of the mediators' energy. Furthermore, political party leaders (including the CNDD-FDD and FNL leaders who agreed to join the Arusha process) feared for their personal safety, pointing to failed coup attempts in the aftermath of the signing of the Arusha Agreement and assassinations of top officials in the recent past. Their fears were eventually assuaged by the deployment of a South African armed contingent assigned (as part of its peacekeeping role) to protect particular leaders.

Complicating the mediation was the UN Security Council's unexpected failure to authorize a peacekeeping operation in Burundi. The South African government was thus obliged to supply troops and find resources for its

first regional peacekeeping operation. The South African Protection Support Detachment, operating under the auspices of the OAU, deployed a 700-strong troop contingent on 28 October 2001, which remained operational under an AU mandate until 2009. In the meantime, Burundi's transitional government, involving all 19 parties signatory to the Arusha Agreement, came into place in November 2001 and Mandela formally handed the role of lead mediator to Zuma.

Progress in identifying the sources of the conflict, dealing with political prisoners and instituting restorative justice was slower. Nonetheless, the five commissions sought to arrive at a common position that would enable all the parties to 'buy in' to the peace process.

Burundi in transition: From the Pretoria Protocols to national elections

Throughout this period of negotiations, the mediation led by Zuma concentrated on building confidence between the signatories to the peace process. Zuma's personal style — listening to the perspectives of the Burundian parties and using anecdotes from the South African transitional experience — helped smooth the path towards consensus. In addition, the South African government provided resources to assist the militias in the negotiations, including the use of the South African Liaison Office in Bujumbura as housing for militia leaders returning to Burundi. South Africa also provided training in negotiation and diplomacy for the CNDD-FDD in South Africa.¹ In October 2002 Zuma persuaded Ndayikengurukiye's CNDD-FDD faction and Mugabarabona's FNL faction to sign a ceasefire and they eventually participated in the process of disarmament and integration into the transitional government. The regional heads of state endorsed the process and indicated that the remaining dissident militias should join their comrades within 30 days (Boshoff et al. 2010, 25). A month later, the CNDD-FDD faction led by Pierre Nkurunziza signalled that they were ready to have direct discussions with the Burundian army.

The transformation of the army from a Tutsi bastion to a truly national army was recognized, even by Buyoya himself, to be crucial to the success of the peace process. Confidence building measures and initiatives from outside the formal process were necessary to win the trust of hardline elements within the Burundian military. Here the example of South Africa's transformation of the apartheid era South African Defence Force (SADF) into an integrated and loyal instrument of the democratic state proved to be particularly salutary. Burundian military officers and their militia counterparts were brought to Pretoria to see for themselves the newly formed SANDF and hold meetings with officers from the old SADF and generals who had previously been liberation fighters. These frank discussions gave the Burundians, whether Tutsi officers or Hutu militias, much food for thought.

When Ndayizeye took over the transitional presidency in May 2003, his call for direct negotiations with CNDD-FDD shifted the perceptions of the dissident militias, so that they no longer saw the government and the military as representing only Tutsi interests. This eased their mistrust and, after discussions in South Africa between the transitional government and the CNDD-FDD, culminated in the signing of a battery of protocols. The Pretoria Protocol on Peace, Defence, Security and Power-Sharing, signed on 8 October 2003, addressed the issues of demobilization, disarmament and reintegration (DDR), security sector reform and power-sharing arrangements that distributed legislative seats and military posts along ethnic lines. The Pretoria Protocol on Outstanding Issues and the Forces Technical Agreement, which gave temporary immunity to the CNDD-FDD, their collaborators and military as well as political prisoners, was signed on 2 November 2003. And on 16 November 2003 the Global Ceasefire Agreement was signed by the transitional government led by Ndayizeye and the largest militia group, the CNDD-FDD. At the last minute, however, the small PALIPEHUTU-FNL (*Parti pour la libération du peuple hutu-Forces nationales de libération*) faction led by Agathon Rwasa refused to participate and withdrew from the process.

¹ South African support for transporting and housing militia leaders eventually became a contentious issue and was phased out.

In parallel, the African Mission in Burundi (AMIB), the AU's first peace support operation, was deployed in April 2003, with peacekeeping troops from South Africa, Mozambique and Ethiopia. AMIB was charged with liaising with the Joint Ceasefire Committee and technical committees overseeing the DDR process, pending the arrival of a UN peacekeeping mission.² Despite financial and logistical difficulties which limited AMIB's ability to meet all its requirements, within a year — with the exception of rural Bujumbura, where dissident militias still held sway — peaceful change finally seemed to be taking hold. In June 2004, through UN Security Council Resolution 1545, the AMIB mission was 're-hatted' as the UN Operation in Burundi (ONUB). This provided a much needed boost in international resources and demonstrated a new degree of international political commitment.

The referendum on the constitution, the last stage of the Arusha Agreement, was a crucial turning point in the peace process. The Agreement mandated a 60% Hutu and 40% Tutsi ethnic division of the National Assembly, an equal ethnic division for the upper house and an equal division of posts within the military. Uncertainty amongst some of the Tutsi parties forced the process back to Pretoria in August 2004 to reaffirm the terms of the power-sharing and the constitutional referendum. The regional leaders' summit in October supported the outcome and endorsed the extension of the timetable for the referendum and subsequent local and presidential elections (Boshoff et al. 2010, 103). The South African government was aware that the CNDD-FDD was following this process intently, as it would provide a clear signal as to the realities of contesting the proposed elections that followed. ONUB provided support for registration in November 2004, with 3.2 million people signed up, representing 90% of the eligible voting population. Expressing growing confidence in the process, Zuma sent a letter to the UN Security Council on 4 December 2004 saying: 'We can now say without fear of contradiction that the Burundian peace process has entered a decisive and irreversible stage' (Zuma, 2003). The referendum was finally conducted peacefully on 28 February 2005 and with a high turnout, demonstrating that the people supported the new political arrangements.

Despite a slow start and coordination difficulties between the UN mission, the donors and the Burundian government, voting for the presidential election finally took place on 19 August 2005. Though there were disruptions in June's communal elections, allegedly by PALIPEHUTU-FNL, the presidential elections were generally peaceful and gave the CNDD-FDD's Nkurunziza a resounding victory. Seeing a Hutu leader win the elections and take over the presidency, Rwaswa's PALIPEHUTU-FNL began to realize that remaining outside the peace process put them in danger of being permanently marginalized. Incorporating this faction into the peace process became the remaining priority.

Bringing in the PALIPEHUTU-FNL

The South African approach at the final stages to negotiating with dissident groups outside the government was particularly insightful. Building on the regional orientation of his predecessors, Zuma viewed the problem of bringing dissident militias into the peace process as being entangled in ongoing regional conflicts. He recognized that if the process was to move forward it needed to involve particular regional actors like the Rwandan government, which had special links with actors in the Burundian peace process. Following agreements made with the dissident militias, Zuma therefore arranged for their leadership to go to Kigali to explain the agreement directly to the Rwandan authorities. This arrangement helped to dispel suspicions and rumours, and eventually provided a basis for a shared Rwandan-Burundian approach to preventive diplomacy.

In the meantime, PALIPEHUTU-FNL's low-level violence continued to plague the country in FNL strongholds outside Bujumbura while the issues of political prisoners and restorative justice remained points of contention for them. On 7 November 2005, newly elected President Nkurunziza set up a commission to identify political prisoners and 3,300 were released as a result. A delegation was established to discuss setting up a Truth and

² DDR in Burundi was integrated into the World Bank's wider Multi Country Demobilization and Reintegration Programme.

Reconciliation Commission, followed by negotiations in March 2006 with UN counterparts, which were further followed by an unsuccessful round in 2007. Nkurunziza's government was, however, reluctant to hold any talks with PALIPEHUTU-FNL that would effectively reintroduce the thorny issues negotiated over the previous years.

When PALIPEHUTU-FNL unexpectedly announced their willingness to negotiate unconditionally with the Burundian government in early 2008, South Africa's Safety and Security Minister Charles Nqakula was tasked to take over from Zuma and lead discussions with Rwaso. By this time, the UN peacekeeping mission had been replaced by the UN Integrated Office and was shifting its focus to the organization's first formal efforts at peace building. Further pressure from regional leaders and the international community finally led to the signing of a Comprehensive Ceasefire Agreement by the Burundian government and PALIPEHUTU-FNL's leader, Rwaso, on 6 September 2008. With demobilization of the militia moving forward, a regional summit affirmed the decision to release the remaining political prisoners and integrate the PALIPEHUTU-FNL into the national government. The Burundian government asked South Africa to continue to play a lead role in the peace building phase, but the South African government decided that its decade-long involvement needed to come to an end. It withdrew the remaining troops in late 2009.

Conclusion

The withdrawal of the South African troops brought South Africa's formal role as mediator in Burundi to an end. While many factors contributed to the overall peaceful outcome, the following were three particularly notable features of South Africa's role as a leading peacemaker in the negotiations.

The first was the continuity between Zuma's role and that of his predecessors. Despite personal style differences, a consistency of purpose was maintained. This could be seen in the continued focus on including all the Burundian parties and in the efforts to coordinate with regional leaders, whose public endorsement at summits and behind-the-scenes pressure were crucial in supporting the negotiation process. Moreover, this continuity enabled the mediators to avoid entanglement in the divisive negotiation tactics employed by some of the Burundian parties seeking advantage through engagement with other mediators.

The second was the use of confidence-building mechanisms based on the recent South African transition to democracy. It was especially important for the ethnically divided Burundian military and political parties to be shown, through open discussions with South Africans who had been involved in the power-sharing arrangements in their own country, that power-sharing could actually work despite deep-seated minority concerns. The incremental inclusiveness, from the rotation of Tutsi and Hutu presidencies during the transitional government to bringing the CNDD-FDD into the peace process through the Pretoria Protocols, helped build trust amongst the various Burundian parties and persuade the remaining dissident militias and politicians to participate in the peace process as it progressed.

Finally, the ability to sustain this mediation across many years and changing circumstances proved to be a major strength of the South African contribution. Engaging with South African domestic actors, particularly parliament, through think tanks and frequent press briefings, was an important dimension of this process and one often unrecognized in assessments of the success or failure of mediation efforts. It was important to keep the South African public abreast of events and to explain why their country was involved in Burundi. While South Africa had an 'exit strategy' for Burundi, the situation on the ground would not allow it to shirk its responsibilities. This commitment, made at the top levels of the South African leadership but also widely supported by the ruling party and an informed public, made a fully realized peace process possible.

References

Boshoff, H, Vrey, W & Rautenbach, G. 2010. The Burundi Peace Process: From civil war to conditional peace. Monograph series 171, Institute of Security Studies, Pretoria.

Nhlapo, W (with Alden, C), 2015. South Africa's role in the Burundi mediation: From Nyerere to Mandela. *Practitioner Notes 4*, Centre for Mediation in Africa, University of Pretoria.

Zuma, J, 2003. Statement to the United Nations Security Council by Deputy President Jacob Zuma of the Republic of South Africa and Facilitator of the Burundi Peace Process, 4 December 2003. www.southafrica-newyork.net/pmum/speeches/burundi031204.htm (accessed 12 January 2015).