

# Insider Mediators

## Exploring Their Key Role in Informal Peace Processes

### Léonidas Nijimbere: The Burundi Peace Process<sup>1</sup>

Léonidas Nijimbere explains the potential of an official civil servant to act as an Insider Mediator. While he was part of all the official peace negotiations in Burundi, he reconsidered his perception of the other party and could therefore understand the significance of a just agreement on political power sharing. Using his proximity to the military and administration, he tried to convince them that dialogue is the most important instrument for peace.

#### Introduction

The aim of this article is to learn from the Burundi peace process – from the viewpoint of someone who participated in it as a negotiator. First, a brief history of Burundi is given, to clarify the background. Second, various steps in the Burundian peace process between 1993 and 2008

are outlined. Third, some lessons learned are highlighted, as regards the regional actors, the negotiators and the mediators. Fourth, I end with some lessons from my personal involvement in this peace process acting as governmental negotiator and informal mediator.

#### History of the Conflict

The ethnic divisions in Burundi are not the result of pre-colonial hatred between Tutsis and Hutus. In fact, the Burundi constituted one constituency, pledging allegiance to one and the same king. Far from being idyllic, the social cohesion was nonetheless peaceful. Colonial rule and especially the east west confrontation during the cold war exacerbated tensions between social groups, most prominently between “privileged Tutsi” and “Hutu servants”, as well as between the ‘leftist’ political factions urging for independence and those loyal to the former colonial powers. The winner of the first democratic elections in 1961 and leader of the anti-western UPRONA party, Prince Rwagasore, was assassinated, allegedly on behalf of his pro-western rival Prince Jean Ntindereza.

During the following struggle for dominance within the UPRONA, the Hutu-Tutsi cleavage emerged as the dominant pattern of conflict and line of loyalty. This ethnic conscience produced a widespread climate of suspicion and mistrust, which deepened with each incident, most importantly with the crimes against humanity and genocides that took place in 1965, 1972, 1988, and 1993. Over the course of the post-independence history, the

perceived/visible causes of conflict (Hutus fighting against Tutsi dominance) became the main driving factor, covering up the real causes. Thus, at the negotiation table, individual claims were masked in ethnic parlance, and perceived as ethnic cleavages by some of the mediators. The solutions issuing from the talks therefore addressed the wrong problems. The continuing fighting between Hutu insurgents and the Hutu government after 2003 serves as evidence for this.

The long period of instability, violence, discrimination, and injustice gave rise to several armed rebellions, the most important ones being the Front de Libération Nationale (FROLINA), Parti pour la libération du peuple hutu (PALIPEHUTU) and its armed wing, the Forces nationales de libération (FNL, usually referred to as “Palipehutu FNL”), as well as the Conseil National pour la Défense de la Démocratie – Forces pour la Défense de la Démocratie (CNDD-FDD). Palipehutu FNL and CNDD-FDD further split into three factions: the former into the Karatasi, Mugabarabona, and the Rwaswa factions, the latter into the Nyangoma, Ndayikengurukiye, and Nkurunziza factions.

<sup>1</sup> This article was translated from the original French by Damiano Sguaitamatti, Mediation Support Project, Center for Security Studies, ETH Zurich

## The Peace Process

### Secret Rome Negotiations

In 1993, following the assassination of the first Hutu President, the country was torn apart by the killing of hundreds of thousands of people. Several governments failed to produce peace and security, until former president Pierre Buyoya eventually overthrew the government in a military coup on 25 July 1996. The national and international community could not tolerate this coup, though. An ad hoc assembly of the regional heads of state, meeting under the euphemizing title of “Regional Initiative”, imposed an unjust and stifling embargo against Burundi, urging Buyoya to rehabilitate the constitutional order. However, the constitutional order was not an option at that time, unless one would mistake Hutu presidency for the constitutional rule.

Strangled by the embargo, the president took the initiative to discretely engage in negotiations in November 1996, mediated by Father Matteo Zuppi of the Community of Sant’Egidio. He sent a delegation to the most important rebel group, the CNDD-FDD, headed by Léonard Nyangoma. Belgian and American envoys took part in the mediation team, while the author of this paper was part of the governmental delegation. In February 1997, both delegations agreed on an agenda for further talks.

President Buyoya reported this success to the heads of state of the “Regional Initiative”. In an attempt to convince the neighbouring states to lift the embargo, he discretely circulated the Rome agenda. Nyangoma, however, came to know how the government was using the agreement and made the negotiation efforts public in April 1997. As a result, the Tutsi community accused the head of the government delegation of treason.

### Arusha Negotiations 1998-2000

Eventually, the heads of states of the region requested all-inclusive negotiations under the mediation of former Tanzanian President Julius Nyerere, threatening to uphold the embargo. These negotiations should have started in August 1997, in Arusha. The government of Burundi, though, resisted such orders, and suggested pre-talks within the Burundi society. As a response to deadlines issued by the Regional Initiative, Buyoya tried to delay the talks by imposing pre-conditions:

- No talks with those who participated in the genocide
- No talks while the embargo is still in place
- No talks before disarmament
- No talks in Tanzania, a country deemed hostile to Burundi
- No talks under the mediation of Nyerere, who was perceived as partial

The international community, however, was totally unimpressed by such demands and the Regional Initiative replied to each of these requests by tightening the embargo even more. Eventually, negotiations without pre-conditions started in June 1998. Julius Nyerere, and later Nelson Mandela, mediated the talks, which in August 2000 led to the “Arusha Peace and Reconciliation Accords.” I took part in the negotiations as member of the third commission on “Peace and Security.”

The talks in Arusha included three factions of the rebel movements (CNDD-FDD/Nyangoma, who had been excluded from the CNDD-FDD leadership in 1998; Palipehutu-FNL/Karatasi who had been dismissed in 1991; FROLINA led by Joseph Karumba). Moreover, during the Arusha negotiations, secret talks took place between the government and the CNDD-FDD faction led by Jean Bosco Ndayikengurukiye, mediated by Ian Vaneck. This faction was not included in the official Arusha talks. However, the talks came to an abrupt halt due to the start of the second war in the Democratic Republic of Congo against President Kabila. Ndayikengurukiye gratefully accepted a call of late Laurent-Désiré Kabila to assist his troops and unilaterally broke the talks.

### Further Negotiations with the Rebel Movements 2000-2008

Following the Arusha agreement between the three armed movements and 14 political parties, Nelson Mandela and South-African vice president Jacob Zuma tried to bring the remaining armed groups to the table, since the main forces of the CNDD-FDD and Palipehutu-FLN had not been part of the Arusha agreement. Between 2000 and 2002, the government negotiated with the CNDD-FDD faction of Ndayikengurukiye (who had been ousted from the CNDD leadership by Nkurunziza in 2001) and the Mugabarabona faction of Palipehutu-FNL, who left the movement in 2002. The same year, a ceasefire agreement was signed.

The toughest negotiations, however, took place between the government and the last remaining faction of the CNDD-FDD (Nkurunziza). The agreement was eventually signed on 3 November 2002, but the implementation was delayed by one year, until a comprehensive ceasefire was agreed. This ceasefire included:

- The 2002 agreement;
- A convention on the sharing of political positions;
- A technical agreement on security and defence forces, regulating the integration of the armed movements into the new national army.

During the entire process, I was the head of the governmental military delegation.

The last rebel movement still operating was the Palipehutu FNL, led by Agathon Rwasa, who had boycotted the process thus far. Eventually, huge international and regional pressure as well as threats from Tanzania forced Rwasa to change his mind. A ceasefire agreement was signed on 7 September 2006. Yet, up to now, its application is still part of the negotiations between Palipehutu-FNL and the government.

## The Most Important Actors: Lessons Learned

### Regional Initiative: Sustained Pressure

The Regional Initiative forced the Burundian actors to the table, mainly through an economic embargo. Burundi is particularly vulnerable to such pressure, as it is landlocked. Furthermore, some Burundian parties already sought external help to overcome the internal political stalemate. Eventually, even the government gave in and accepted talks without preconditions.

### Negotiating Parties: Build on common interests

In Arusha, Dar Es Salaam, Libreville, and Pretoria the negotiators shouted fists at each other, which seems to be the rule in negotiations. Subsequently they realized they would not reach an agreement, unless they addressed the Burundian's main concerns: peace, stability, justice, and rule of law, unity and development. Thus, they decided to build a new political order, a governmental system based on the political realities, shared values, and in particular the aspiration to fight any form of ethnic discrimination. Hence, they engaged in a dialogue based on the shared vision of Burundi society, and overcame the individual differences and disagreements. They also trusted Nelson Mandela and Julius Nyerere, as well as the international community.

### The Mediators

The Arusha Agreement on Peace and Reconciliation was signed thanks to the tireless efforts of the mediators Nyerere and Mandela, on behalf of the Great Lakes states and the international community. Despite my highest appreciation for their titanic endeavour, I had the feeling that the mediators saw the Burundian conflict from a purely ethnic point of view. The ensuing accord could therefore only serve as a transitional document paving the way for a unified society. The main difference between the two mediators was that the

first one (Nyerere) had already made a judgment on who was guilty and who not, while Mandela was severe but even-handed. Moreover, Nyerere used more frequently threats and intimidation, while Mandela alternatively used sticks and carrots. He could brand all the participants' guilty just as well as praise their ability to overcome their differences.

The former vice president of South Africa, Jacob Zuma, is the kind of facilitator needed for difficult moments. He combines wisdom, calm, and patience: those human qualities needed to convince the most stubborn minds. By telling anecdotes he manipulated the feelings of the participants, thereby suggesting the real solutions to the problems at stake. Each party thought it had received most comprehension, as he was able to show compassion with everyone. Under his facilitation we achieved the various ceasefire agreements in 2002 and 2003.

Father Matteo Zuppi is a passionate mediator. His force resides in the informal consultations, during which he listens carefully and agrees with all parties, each time adding a little 'but...'. He was always able to describe the positions of one party in a way that would be understandable for the other. This created the basis of mutual trust between the conflict parties.

Finally, Ian Vaneck was specialized in the capacity building of the negotiators. By supporting each conflict party to reach the same level of knowledge and skills needed for negotiations, he took away the fears related to a sense of inferiority. The aim of the capacity building seminars he organized was to secure balanced negotiations, during which no party would have the feeling that they had lost anything, and all would win.

## My Own Experiences

### Reconciliation at School

The events of 1972 totally destroyed the social fabric, and split the society along the ethnic lines of Hutu against Tutsi, even in most of the secondary schools of Burundi. I had this same experience at my school, where the pupils did not engage in any shared activity outside the classroom, looking at each other with suspicion and fear. After several failed attempts to revitalize the catholic movements, which could have served as unifying element in 1973, I spontaneously addressed a co-student of the other ethnic group and suggested the establishment of a music club. At first, he was surprised. However, he accepted, and the newly founded “Cercle Musique” immediately enjoyed popularity amongst all ethnic groups. In 1975, I organized a gathering of young people from all sides of the country, a council of youth for reconciliation (“Concile des jeunes pour la reconciliation.”)

### Mediation between Mediators and Negotiators in Arusha

During the whole peace process from 1996 to 2003, I was frequently asked to take part in the talks as a negotiator. However, from time to time, I was also engaged as informal mediator. This role did not require any mandate or specific capacities. Frequently, I let myself in for activities involving a lot of improvisation.

One day, I don't remember when exactly, I had a spontaneous change of attitude. I suddenly decided to put myself in the other's shoes in order to fundamentally rethink the situation and understand what I previously perceived as ungrounded frustrations of opportunistic people. As a civil servant of the government, I investigated the existence of authoritarian rule, oppression, injustice, and human rights violations in Burundi to verify the foundations of the other parties' claims. It took me a long time to understand why the distribution of positions within the agreement on political power sharing, aimed at consolidating national unity, could not ease the frustrations. Eventually, I recognized the fundamental question underpinning the whole process: “Who decides what to share and for whom?”

During the preparation of the Arusha negotiations, it was hard for me to convince the military and the administration that there was no other way to achieve peace than through dialogue. Quite a bit of creativity was needed, in order to induce a collective self-reflection amongst the most senior officers. In the course of the negotiations, I ventured to acknowledge the necessity to integrate parts of the rebel movements into the army, and to demobilize parts of the regular army. The negotiations of the third commission in Arusha were hampered by worsening relationship between the commission's mediators (two generals from South-Africa and Tanzania) and the negotiators. In such cases, I used my background of having a military career to link up with the mediators and to scapegoat the ‘civilians’ (i.e. some negotiators), who do not know the horrors of war, for the stalemate. At the same time I went to the negotiators, explaining to them that usually generals are stubborn, but since the mediators did not own the process, the negotiators could just ignore them and move forward.

### How to Overcome Mistrust and Suspicion

We were close to a ceasefire agreement with Ndayikengurukiye's and Mugabarabina's armed factions, when I realized that both of them had little confidence, and strong feelings of mistrust and fear. On a day off, I took the opportunity to rent a bus at my own expense, without informing anyone of my delegation and the facilitation. I invited the most senior members of the delegations and drove them to Sun City, one of the most beautiful places of the world. This symbolic gesture earned me the movements' trust and sympathy, and avoided any setbacks during the negotiations. The representative of the oppressive administration (i.e. me) had become a person you could socialize with.

Later, during the negotiations with Nkurunziza's CNDD-FDD, I made several nightly trips to discrete locations, to meet influential members of this movement, such as Jean-Marie Ngendahayo, political advisor of the CNDD-FDD, Mohamed Rukara, spiritual advisor, as well as the head of the military delegation, General Silas Ntigurirwa. The face-to-face meetings

allowed both sides to speak freely about their true aspirations, possible solutions and alternatives. Moreover, we could discuss how to jointly move forward in the negotiations.

Finally, in 2003, the organization “Initiative and Change” arranged a meeting between the most important conflict actors of the Burundian conflict, in particular the government’s military delegation, Nkurunziza’s CNDD-FDD, Rwasa’s Palipehutu-FNL (both still fighting), as well as senior politicians and spiritual leaders. The delegation of the Palipehutu-FNL refused to participate, however, if I was part of the government delegation, since I had publicly insulted their leader Rwasa in 1999. Since I

was more concerned with the results of the talks than my own participation, I stepped back. Yet, my own delegation was furious and planned to retaliate by opposing the participation of former president Sylvestre Ntibantunganya. I had a hard time to convince my fellow members of the delegation that it would be wrong to repeat the others’ mistakes. Once I was back in Burundi, I received several phone calls by Palipehutu leaders, conveying Rwasa’s appreciation for my behaviour in Caux, and I was forgiven all my past mistakes. This move was the foundation for today’s regular communication with the movement, and their receptiveness to my modest advises.