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**INCLUSION AND EXCLUSION  
AS PROBLEMS OF PEACE PROCESSES:  
THE CASE OF BURUNDI**

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for the award of the degree of  
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**COMPULSORY DECLARATION**

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

Signature: 

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 Date: 31/08/2009

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## ABSTRACT

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In conflict resolution literature, the principle of all-inclusiveness, which calls for all warring parties to be included in a peace process for it to be successful, has become conventional wisdom and orthodoxy. This study challenges the principles of all-inclusiveness by critically analysing problems related to issues of “inclusion” and “exclusion” of warring parties, as seen from a mediator’s perspective. The literature on peace processes is examined in relation to five themes: The foundation for the principle of all-inclusiveness; the relationship between participation and the use of violence; consequences of exclusion; participation in relation to parties’ characteristics; and consequences of all-inclusiveness. A set of questions are raised through which the issue of all-inclusiveness can be investigated, and on this basis, the 1998 peace process in Burundi is studied. The case of Burundi challenges the principle of all-inclusiveness as the process was successful despite the exclusion of several armed groups and highlights important dimensions for the question of participation. The central argument of the thesis is that the issue of participation, in particular its relation to success, is much more complex than recognised in the literature.

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# I. INTRODUCTION

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## 1. Introduction

“Since 1940, 71 percent of all civil wars have ended on the battlefield while only 29 percent have ended in negotiated settlements”.<sup>1</sup> Although intrastate conflicts are particularly complicated to resolve and have “a particularly low rate of successful settlement, *they have a remarkably high rate of attempted negotiation*”.<sup>2</sup>

The difficulty of reaching negotiated settlements have spawned theoretical and practical studies that seek to identify what makes such processes successful, and the principle of all-inclusiveness has been identified as one of the major conditions for success. It is assumed that warring parties, particularly non-state armed groups, must be included in negotiations for the peace settlement to be successful, and the principle of all-inclusiveness is an integral aspect of conflict resolution efforts.<sup>3</sup> As a result, the principle of all-inclusiveness has not only become common knowledge but also orthodoxy in the conflict resolution literature.

The principle of all-inclusiveness is the topic of this study, and the central aim is to critically examine the principle in order to question whether all-inclusiveness is a requirement for a peace process to be successful, and to identify central issues that are relevant to the question of participation of parties in peace processes. To this end, the study examines the literature and experience from cases regarding the issue of participation in relation to five themes: First, the foundation for the principle of all-inclusiveness is examined. Second, the relationship between participation and the use of violence, and third, the possible consequences of excluding parties from a peace process are investigated. Fourth, participation is examined in relation to parties’ characteristics, and the fifth part considers possible consequences of the principle of all-inclusiveness.

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<sup>1</sup> Barbara F. Walter, “Designing Transitions from Violent Civil War,” *IGCC Policy Paper*, 1 September 1996. [Online]. Available: <http://repositories.cdlib.org/cgi/viewcontent.cgi?article=1013&context=igcc> [15 April 2008], 3. See also Roy Licklider, “The Consequences of Negotiated Settlements in Civil Wars, 1945-1993,” *The American Political Science Review* 89, 3 (1995), 681.

<sup>2</sup> Walter 1996, 3.

<sup>3</sup> Christopher Clapham, “Rwanda: The Perils of Peacemaking,” *Journal of Peace Research* 35, 2 (1998), 194.

Through a discussion of these five themes, a set of questions are raised, forming an analytical framework through which the question of all-inclusiveness can be examined.

On the basis of the issues identified and questions raised, the 1998 peace process in Burundi is studied. A discussion of the Burundian experience highlights the lessons learnt from the Burundian peace process regarding participation.

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## 2. Problem Statement and Objectives of the Study

Since the end of the Cold War, the majority of armed conflicts have been internal in nature, making it necessary for peacemakers to engage with non-state actors.<sup>4</sup> In the same period, demands for democracy and human rights brought about the perception of armed groups as “valid participants in any peacemaking process”, and their inclusion hence became one of the informal rules of peacemaking processes.<sup>5</sup> It is believed that peace processes are likely to fail if armed groups are excluded,<sup>6</sup> and the principle of all-inclusiveness has consequently become dominant in conflict resolution efforts. In fact, the principle of all-inclusiveness is taken as “obviously valid”,<sup>7</sup> as the following quote from Gardner is testimony to:

“the case for strategic and principled engagement with armed groups needs no justification. It is necessary in order to achieve sustainable resolution of protracted conflict and/or secure humanitarian space. It is non-engagement with armed groups that requires justification. If the overall goal is to end violence and to find a durable peaceful settlement of armed conflicts, the international community requires the courage and will to get involved with all parties to a conflict”.<sup>8</sup>

There are three reasons to question whether this is always appropriate:

1) Although Bloomfield, Nupen & Harris recognise that participation of parties is an important and difficult issue in peace processes,<sup>9</sup> the issue of participation is rarely discussed in the literature on peace processes.<sup>10</sup>

2) As the quote from Gardner exemplifies, theoretical and practical claims about the relationship between all-inclusiveness and success are based on assumptions that are

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<sup>4</sup> Lotta Harbom, Stina Högladh & Peter Wallensteen, “Armed conflict and Peace Agreements” *Journal of Peace Research* 43, 5 (2006), 619.

<sup>5</sup> Clapham 1998, 194.

<sup>6</sup> Judith Gardner, “Engagement of Armed Groups in Peace Processes,” Report on Wilton Park Conference WPS05/34, 9 -11 December 2005. [Online]. Available: [http://www.c-r.org/our-work/accord/engaging-groups/documents/WP\\_EAGPP\\_report\\_final.pdf](http://www.c-r.org/our-work/accord/engaging-groups/documents/WP_EAGPP_report_final.pdf) [20 October 2007], 4.

<sup>7</sup> Clapham 1998, 196.

<sup>8</sup> Gardner 2005, 4.

<sup>9</sup> David Bloomfield, Charles Nupen & Peter Harris, “Negotiation Processes,” in *Democracy and Deep-Rooted Conflict: Options for Negotiators*, eds. P. Harris & B. Reilly (Stockholm: IDEA 1998), 71.

<sup>10</sup> According to Wall, Stark & Sandifer, studies on mediation are mainly descriptive and concerned with the following six areas: “the determinants of mediation, mediation per se, approaches employed by mediators, determinants of the mediation approaches, outcomes of mediation, and determinants of mediation outcomes”. James A. Wall Jr, John B, Stark & Rhett L. Standifer, “Mediation. A current review and theory development,” *Journal of Conflict Resolution* 45, 3 (2001), 370.

rarely supported with evidence. In particular, the principle of all-inclusiveness is founded on an assumed link between participation and a peace process' success that needs to be examined further.

3) Contributions concerned with the question of participation are insufficiently nuanced and ignores possible theoretical and practical problems related to participation.<sup>11</sup> The quote from Gardner is an example of this.

On this basis, it is necessary to conduct a thorough examination of the subject.

## **2.1 The central problem**

This study seeks to fill a gap in the literature by examining various issues of relevance to the question of inclusion and exclusion of parties in peace processes. The aims of the study are twofold: To examine whether an all-inclusive peace process is necessary for a process' success, and to identify central issues that are relevant for the question of participation of warring parties in peace processes. The key problem of the study is defined as the question of participation of warring parties in relation to the success of a peace process, seen from the point of view of the mediating body. In order to identify central problems regarding participation and to examine whether all-inclusiveness is necessary for a successful peace process, the following research question is asked:

*What are the problems related to inclusion and exclusion of warring parties in a peace process, from a mediator's viewpoint, as illustrated in the case of Burundi?*

## **2.2 Case Study Justification: Why Burundi?**

Burundi is utilised as a case as it significantly questions the principle of all-inclusiveness as a prerequisite for a successful peace process, as the Arusha peace process, initiated in 1998, was successful despite the exclusion of several armed groups. Although Van Eck and others have questioned whether the Arusha process should be considered a success despite not including some of the armed groups,<sup>12</sup> the peace process significantly

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<sup>11</sup> Clapham 1998, 196.

<sup>12</sup> Jan Van Eck. "Burundi: An ongoing search for durable peace." *African Security Review* 16, 1 (March 2007), 120.

contributed to the end of the violent conflict in Burundi,<sup>13</sup> and should therefore be considered a success, despite its serious flaws and that challenges remain.

It is useful to consider Galtung's distinction between *negative* and *positive peace* when assessing the peace process in Burundi. Negative peace is defined as the absence of violence, while positive peace refers to a more in-depth consolidation of the peace through reconciliation, development of social justice, human rights and democracy.<sup>14</sup> Human rights, social justice and democracy should however be regarded as subgoals of a peace process, as such goals will depend on the successful accomplishment of bringing violence to an end.<sup>15</sup> Negative peace is in other words a necessary foundation for positive peace, and a peace process is therefore successful when bringing about the "ending of civil violence and armed confrontation".<sup>16</sup>

Establishing negative peace is no small achievement in Burundi, considering that the country's history has been dominated by violent conflicts since independence in 1962, and bearing in mind that the small state is surrounded by other conflict-ridden states in the region. It is significant that the Arusha peace process did not only become "the only game in town," but the agreement was "the single most important step forward (...) to reverse the spiral of war".<sup>17</sup> The peace process in Burundi was therefore successful – in a negative peace sense – without having included all armed groups.

There are five reasons for why Burundi is a useful case study:

- 1) The intrastate characteristic of the conflict in Burundi indicates that it would be particularly difficult to bring to an end through a negotiated process. The peace process was successful and the case is therefore interesting to study.
- 2) The peace process in Burundi did not adhere to accepted principles of peacemaking, but the process was nevertheless successful in bringing the armed conflict to an end. The peace pact, the Arusha Peace and Reconciliation Agreement, was signed and

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<sup>13</sup> Kristina Bentley & Roger Southall, *An African Peace Process. Mandela, South Africa and Burundi* (Cape Town, South Africa: HSRC Press 2005), 192.

<sup>14</sup> Johan Galtung, "Violence, Peace, and Peace Research." *Journal of Peace Research* 6, 3 (1969), 183.

<sup>15</sup> George Downs & Stephen John Stedman, "Evaluation Issues in Peace Implementation," in *Ending Civil Wars*, eds. S. J. Stedman, D. Rothchild & E. M. Cousens (Boulder, Co.: Lynne Rienner, 2002), 49-50.

<sup>16</sup> Fen Osler Hampson, *Nurturing Peace. Why Peace Settlements Succeed or Fail* (Washington, DC: United States Institute of Peace Press, 1996), 9.

<sup>17</sup> Bentley & Southall 2005, 192.

implemented without all armed groups being signatories to the agreement, and the case of Burundi therefore challenges the orthodoxy of all-inclusiveness.<sup>18</sup>

3) The excluded groups continued to use violence in order to undermine the peace process, which sheds light on the relationship between participation and the use of violence.<sup>19</sup>

4) The parties who did not participate in the peacemaking process repeatedly split into factions,<sup>20</sup> raising the question of how factionalism and splintering is related to the problem of participation in peace processes, and suggests that the Burundian peace process can highlight important issues in this regard.

5) Several mediators were involved in the peace process in Burundi. These had different approaches to the question of participation and highlight various concerns and options that may present themselves in a peace process.

In sum, the peace process in Burundi questions the principle of all-inclusiveness and illustrates well the various issues associated with the issue of inclusion and exclusion of warring parties on both practical and theoretical levels, and is therefore a useful case study for attaining a fuller understanding of the relationship between participation and a peace process' success.

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<sup>18</sup> Van Eck 2007, 119.

<sup>19</sup> Bentley & Southall 2005, 191.

<sup>20</sup> All Africa, "Burundi: More Schisms Within Palipehutu-FNL," 11 October 2007. [Online]. Available: <http://allafrica.com/stories/200710110061.html> [20 October 2007].

### **3. Structure of the Study**

The thesis is structured as follows. Chapter I sets out the topic and objectives of the study, gives a background to the theme and explains why Burundi is a useful case study. Chapter II identifies issues and problems that are relevant for the question of inclusion and exclusion of parties through five themes:

- 1) the basis for the principle of all-inclusiveness;
- 2) participation in a peace process and its relation to the use of violence;
- 3) what the possible consequences of exclusion are;
- 4) participation seen in relation to the characteristics of parties and
- 5) possible consequences of all-inclusiveness.

Under each theme a set of questions are raised that will serve as analytical tools for the examination of the peace process in Burundi. Chapter III discusses the peace process in Burundi according to the same five themes and answers the questions raised in order to identify lessons from the Burundian peace process. The central findings of the study are presented in chapter IV.

The main argument of the thesis is that all-inclusiveness is orthodoxy in the literature on peace processes and that this principle should be questioned. A number of issues are found to be important for the question of participation of warring parties in peace processes, and its relationship to the success of a peace process is much more complex than recognised in theory and practice.

## 4. Methodology of the Study

### 4.1 Questions of approach

The literature on peace processes suffers from being insufficiently self-critical and claims made are often under theorised, and this is relevant for explaining the approach taken in the study. The concerns of Paris in relation to the literature on peace operations are equally applicable to contributions on peace processes. Paris has identified how the literature is “focused primarily on practical, policy-related issues such as the design and conduct of particular missions, rather than building bridges between the study of peace operations and larger theoretical debates in the discipline” of political science.<sup>21</sup> He further asserts that theory, defined as “general statements that describe and explain the causes or effects of classes of phenomena”,<sup>22</sup> is being developed, but the literature is insufficiently concerned with “the broader implications (...) for our understanding of international politics”.<sup>23</sup> A focus on practice and policy-related questions is useful as it “can help to identify circumstances in which peace missions are more or less likely to succeed”<sup>24</sup> but in order for such an approach to develop reliable knowledge, it is crucial that the literature is sufficiently self-critical and based on evidence.

Also the insights of Kleiboer, although focused on international mediation, are useful for explaining the approach chosen in the study. Kleiboer argues that the empirical examinations of peace processes are neither sufficiently developed nor specific enough, and identifies that the literature is ridden with conceptual confusion, [a] lack of specificity in discussions and absence of empirical evidence, which leads to knowledge being based on “conjectures, opinions, and ad hoc observations”.<sup>25</sup> The same problems are present in the claims made about participation of parties in peace processes and the study consequently seeks to improve the literature through examining the issue through a practical and critical angle.

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<sup>21</sup> Roland Paris, “Broadening the Study of Peace Operations,” *International Studies Review* 2, 3 (2000), 27.

<sup>22</sup> Stephen Van Evera, *Guide to Methods for Students of Political Science* (Ithaca, N.Y.: Cornell University Press, 1997), 7-8, quoted in Roland Paris, “Broadening the Study of Peace Operations,” *International Studies Review* 2, 3 (2000), 28.

<sup>23</sup> Paris 2000, 29.

<sup>24</sup> Ibid.

<sup>25</sup> Marieke Kleiboer, “Understanding the Success and Failure of International Mediation,” *The Journal of Conflict Resolution* 40, 2 (1996), 376.

## **4.2 Research Design: Form, Sources, Limitations, Reliability and Generability**

### **4.2.1 Form**

The study takes the form of a *theory-testing case study*. As no theory of participation exists, the study draws upon a range of literature on peace processes as a basis for an analytical framework for the examination of problems of participation, and an *empirical, descriptive study* of the peace process in Burundi serves to expand and refine the framework. The study falls within the category of scholarship that seeks to improve the quality of the existing literature.

### **4.2.2 Sources**

The study is based on primary and secondary materials. A qualitative literature based study was found to be the most appropriate approach in order to meet the aim to identify important issues for the question of participation. As the existing literature does not provide a holistic and coherent framework for analysing the problems of participation, it was necessary to use a *wide range* of contributions in order to ensure a broad understanding of the questions involved. *Contributions from different sets of literature* have been utilised, and both general contributions in the fields of conflict resolution and peace operations as well as analyses of particular peace processes have been drawn upon to identify the various issues concerned with participation in peace processes.

In the literature on peace processes, the principle of all-inclusiveness, the use of violence, factionalism and splintering of warring groups, consequences of exclusion as well as consequences of all-inclusiveness emerged as particularly central topics that remained unexplored from the perspective of participation in relation to a peace process' success. These themes were consequently chosen for the analysis of the problems related to inclusion and exclusion.

### **4.2.3 Limitations**

Due to limitations in time and space available, the study is only concerned with the inclusion and exclusion of parties in relation to mediated peace processes' prospects for success. Ethical dilemmas in the inclusion and exclusion of parties, participation of civil society in peace processes, whether parties to a peace process are legitimate and

representative and whether peace processes are democratic are issues not addressed in this study.<sup>26</sup>

In addition to the five selected themes, other issues emerged that would have been included if space and time allowed, such as whether the question of participation is different if the peace process involves a powersharing arrangement, and the importance of the timing of inclusion/exclusion of a party from a peace process.<sup>27</sup> The latter two issues are interesting and deserve further examination in a future study.

Similarly, not all topics raised in the literature in relation to the five themes were relevant for the question of participation and its implications for success and are hence not given attention in the study. For example, the importance of ceasefires in peace processes and the challenges posed by societal violence in a post-agreement phase are discussed in the literature on violence in peace processes,<sup>28</sup> but these issues are not particularly significant for the question of inclusion and exclusion and consequently not addressed in this study.

Due to time constraints and to ensure that the focus remained on the success of peace processes, the study is limited to participation seen from the mediator's point of view. Warring parties' considerations and tactics in relation to inclusion and exclusion are not given attention in this study but should be addressed in future research on the topic.

#### **4.2.4 Reliability and generability**

Although one cannot generalise on the basis of the findings from one case, a single-case study was considered suitable as the thesis seeks to identify the central *problems* of inclusion and exclusion in peace processes in order to improve the literature that serves as a theoretical basis for considering the issue of participation, rather than to find definite answers to all the questions involved. The study is intended to be a first step

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<sup>26</sup> See Lorna McGregor, "Beyond the Time and Space of Peace Talks: Re-Appropriating the Peace Process in Sri Lanka," *International Journal of Peace Studies* 11, 1 (2006) and Frederic S. Pearson, "Dimensions of Conflict Resolution," *Journal of Peace Research* 38, 3 (2001) for discussions on peace processes and democracy, in particular on elite versus mass participation in peace processes.

<sup>27</sup> See for example Anna Jarstad, "Dilemmas of War-to-Democracy Transitions," Paper prepared for presentation at the conference State, Conflict and Democracy, 12-13 May 2006, Lund University. [Online] Available: <http://www.svet.lu.se/conference/papers/jarstad.pdf> [15 April 2008].

<sup>28</sup> See John Darby, *The Effects of Violence on Peace Processes* (Washington, DC: United States Institute of Peace Press 2001).

towards an improved understanding of the topic and further studies will be necessary in order to identify findings with general applicability. A single-case study of Burundi was therefore appropriate in order to attain an in-depth understanding of the characteristics of the phenomenon. The descriptive study of the case draws upon the existing literature and does not aim to provide new information on the Burundian peace process.

In order to ensure reliable findings, *multiple sources from different sets of literature* have been utilised. Contributions from organisations or other parties that are likely to have an interest in expressing specific views have been read with scepticism, which is particularly important as the study aims to improve the literature on the topic.

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## 5. Key concepts

The following concepts are central for the study and should be defined. A peace process refers to “any formal or informal, private or public political process which involves the parties to an armed conflict working together to plan and undertake a process of dialogue and to reach and jointly implement any agreement from it”.<sup>29</sup> Such a process is often made up of several phases; “the ending of violence; then, negotiations leading to a political/constitutional agreement; and, finally, what is often referred to as post-settlement peace building”.<sup>30</sup> although this process is seldom as ordered in reality as the various phases and activities of a peace process might “occur simultaneously and at different speeds”.<sup>31</sup> The term peace process is hence used as a way to describe this course towards conflict resolution. Peacemaking, being a phase of a peace process, is the activity of “helping to bring parties to a conflict to a negotiated settlement”.<sup>32</sup> Although issues of inclusion and exclusion relate primarily to the peacemaking phase, using such a definition would suggest that the problems with inclusion and exclusion of parties end as soon an agreement is reached. Also of interest is therefore the peacekeeping phase, which can be defined as “complex “multidimensional” enterprises designed to ensure the implementation of comprehensive peace agreements and assist in laying the foundations for sustainable peace”.<sup>33</sup> The term peace process refers in this study to the peacemaking and peacekeeping phases of mediated intrastate conflicts.

Negotiations “are talks that are held between at least two of the warring parties. The talks have to be connected to one or more issues related to the armed conflict, such as ceasefires, exchange of war prisoners, the creations of humanitarian zones” or other substantial questions.<sup>34</sup> Mediation describes a negotiated process that is assisted by a

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<sup>29</sup> Hugo Slim, *A guide to mediation. Enabling peace processes in violent conflicts*. (Geneva: Centre for Humanitarian Dialogue 2007), iv. [Online] Available: <http://www.hdcentre.org/files/mediation%20guidelines.pdf> [15 April 2008]

<sup>30</sup> John Darby & Roger Mac Ginty, “Conclusion: The Management of Peace,” in *The Management of Peace Processes*, ed. J. Darby & R. Mac Ginty (Basingstoke, Hampshire; New York, N.Y.: Palgrave, 2000), 228.

<sup>31</sup> Darby 2001, 11.

<sup>32</sup> Carolyn M. Stephenson, “New Approaches to International Peacemaking in the Post-Cold War Period,” in *Peace and World Security Studies*, ed. M. T. Klare (Boulder, CO: Lynne Rienner, 1994), 21.

<sup>33</sup> United Nations, “United Nations Peacekeeping,” ND. [Online] <http://www.un.org/Depts/dpko/dpko/> [15 April 2008]

<sup>34</sup> Uppsala Conflict Data Program, “Definition of Armed Conflict,” ND. [Online] [http://www.pcr.uu.se/research/UCDP/data\\_and\\_publications/definition\\_of\\_armed\\_conflict.htm](http://www.pcr.uu.se/research/UCDP/data_and_publications/definition_of_armed_conflict.htm) [15 April 2008]

third party; “a voluntary process in which the parties retain control over the outcome (pure mediation), [or] combined with positive and negative inducements (mediation with muscle)”.<sup>35</sup> In this study, inclusion refers to the participation of parties in a peace process, while exclusion refers to parties being left out of, or choosing not to participate in, such a process. Engagement refers to “efforts to initiate or sustain opportunities for dialogue or practical confidence-building measures that may ultimately be able to address the causes and consequences of the conflict. It refers to an interaction between armed groups and their adversaries, or between armed groups and intermediaries”.<sup>36</sup> A party is “a government of a state or any opposition organisation or alliance of opposition organizations”.<sup>37</sup> A warring party is defined as “an actor who uses armed force to promote its position”.<sup>38</sup> and the term armed group will in this study be used as a synonym. A successful peace process will for the purposes of the study be defined as the “ending of civil violence and armed confrontation”.<sup>39</sup>

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<sup>35</sup> Oliver Ramsbotham, Tom Woodhouse & Hugh Miall, *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts* (Cambridge, UK: Malen, MA: Polity, 2005), 29-30.

<sup>36</sup> Gardner 2005, 3.

<sup>37</sup> Uppsala Conflict Data Program.

<sup>38</sup> Ibid.

<sup>39</sup> Hampson 1996, 9.

## 6. Summary

Since the end of the Cold War, it has been considered necessary for all warring groups involved in a conflict to be included in a peace process for it to be successful. The principle of all-inclusiveness is common knowledge in contributions in the literature on peace processes and dominant in conflict resolution efforts. The validity of the principle is taken for granted, and the study aims to critically examine the principle of all-inclusiveness. The study questions whether all-inclusiveness is a requirement for a peace process to be successful and seeks to identify central issues that are relevant to the question of participation of parties in peace processes in order to obtain a more nuanced understanding of the issue. The question of participation is examined in relation to five themes: the foundation for the principle of all-inclusiveness; the relationship between participation and the use of violence; the possible consequences of excluding parties from a peace process; participation in relation to parties' characteristics; and possible consequences of the principle of all-inclusiveness. Through a discussion of these five themes, a set of questions are raised, forming an analytical framework through which the question of all-inclusiveness can be examined.

The study takes the form of a theory-testing case study. On the basis of the issues identified and questions raised through an examination of the literature, the 1998 peace process in Burundi is examined. Burundi is used as a case as it illustrates well the many problems involved and questions whether all-inclusiveness is necessary for a peace process to be successful, as the Arusha peace process brought an end to the armed conflict in the country without including all warring groups.

A lack of self-critical and evidence-based contributions is a problem in the literature on peace processes in general and also in writings on the question of participation. The study therefore takes a practical and critical angle, and a wide range of literature from various fields are utilised to identify important issues in relation to inclusion and exclusion of parties and ensure reliable findings.

## II. ANALYTICAL FRAMEWORK

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The following chapter examines the claim that peace processes must be all-inclusive in order to be successful and identifies problems relevant to the question of participation of warring parties. The chapter is divided into five parts:

1. The principle of all-inclusiveness;
2. Participation and its relation to violence;
3. Consequences of exclusion of parties;
4. Characteristics of parties;
5. Consequences of an all-inclusive process.

A set of questions are raised under each theme that will serve as analytical tools for the examination of the peace process in Burundi in the following chapter.

# 1. The principle of all-inclusiveness

## 1.1 The meaning of all-inclusiveness

The principle of all-inclusiveness is common knowledge and orthodoxy among experts on peace processes, as it is believed to be necessary to include all warring groups for a peace process to be successful. The meaning of all-inclusiveness is however rarely set out.<sup>40</sup> For example, the United Nations Security Council stressed in 1999 that in order to achieve a “lasting peaceful settlement” in the Democratic Republic of the Congo, it was necessary to engage “all Congolese in an all-inclusive process of political dialogue with a view to achieving national reconciliation and to the holding on an early date of democratic, free and fair elections...”, without specifying what an all-inclusive process entails.<sup>41</sup>

The understanding of what an inclusive process entails varies also in practice. In the Northern Ireland peace process, the mediator George Mitchell made “inclusion” as one of the pillars for the peace process strategy, and “expanded and (...) reduced the number of parties involved in the talks to those players that were, at least arguably, capable of functioning in a relatively centrist coalition”.<sup>42</sup> Mitchell’s understanding of the principle of inclusiveness implied that parties who were able to push the process forwards would participate, and the All-Party talks involved “up to ten parties, including those with even marginal political support”.<sup>43</sup> Participation in the peace process was also conditioned on the party’s adherence to a principle of non-violence, and parties with paramilitaries who had not committed to a ceasefire were excluded from the peace process.

In other cases, participation in the peace process is not following a set principle but is based on a perception of who the most important parties are. Since 2002, the peace process in Sudan conducted by the Intergovernmental Authority on Development (IGAD) was according to Young exclusivist as it was limited to the Government of Sudan and the armed group SPLM/A. Young asserts that the inclusion of additional parties,

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<sup>40</sup> Clapham 1998, 196.

<sup>41</sup> United Nations, “Security Council Resolution 1234 (1999),” 9 April 1999. [Online] Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N99/101/73/PDF/N9910173.pdf?OpenElement> [15 August 2008].

<sup>42</sup> Daniel Curran & James K. Sebenius, “The Mediator as Coalition-BUILDER: George Mitchell in Northern Ireland” *International Negotiation* 8 (2003), 127-128.

<sup>43</sup> Ibid.

both warring groups and political parties, could have given the peace process legitimacy, but the mediators believed that the participation of other parties would further complicate the talks, and the parties already included resisted sharing their resources and power with other groups.<sup>44</sup>

The examples given above suggest that the principle of all-inclusiveness can be assessed more closely within the framework of the following questions:

- *What are the common traits through which an all-inclusive process is defined?*
- *Does an all-inclusive process include absolutely all parties, or are some parties considered more relevant?*
- *Does all-inclusiveness mean the participation of armed groups as well as political groups?*

## **1.2 Inclusion, ownership and success**

Although the principle of all-inclusiveness is repeatedly invoked in the literature on peace processes, the reasons for why all parties should be included are rarely provided. Contributions often presuppose that the inclusion of all parties adds value to a peace process a priori. An all-inclusive process is arguably synonymous with a “good process”,<sup>45</sup> leading to an agreement that is “good”,<sup>46</sup> while an agreement that excludes a party without justifiable reasons “must be considered a bad agreement”,<sup>47</sup> but no thorough rational explanation is provided for why an all-inclusive process is more valuable than one that is not.

A central assumption in the literature is that a peace process that includes all parties will reach a more durable outcome. As Slim argues, peace agreements that are “owned by all parties are most likely to be acceptable to all parties, to be most effectively implemented and to last longest”,<sup>48</sup> and the statement by the Security Council claiming that “no

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<sup>44</sup> John Young, “Sudan: A Flawed Peace Process Leading to a Flawed Peace,” *Review of African Political Economy* 103 (2005), 101-102.

<sup>45</sup> Ron Kraybill, “Facilitation Skills for Interpersonal Transformation” in *Transforming Ethnopolitical Conflict. The Berghof Handbook*, ed. A Austin, M. Fischer & N. Ropers (Wiesbaden: VS Verlag für Sozialwissenschaften, 2004), 13.

<sup>46</sup> Hampson 1996, 217.

<sup>47</sup> Slim 2007, 10.

<sup>48</sup> Slim 2007, 18.

mediation initiative can be viable without ownership and full involvement of all relevant parties to the dispute throughout the process” is testimony to the broad acceptance of this idea.<sup>49</sup>

It is similarly argued that an all-inclusive process enhances both the peace process’ legitimacy<sup>50</sup> as well as the participating parties’ ownership<sup>51</sup> of the process, and including all parties is therefore fundamental to the credibility of a peace process.<sup>52</sup> Haysom, pointing to the South African peace process, suggests that “an inclusive process provides a better platform for stability, acceptance of a new political order and loyalty to the nation”.<sup>53</sup>

It is seen to be particularly important to include armed groups in a peace process. Gardner suggests that “principled and strategic engagement of armed groups is essential to achieving sustainable resolution of protracted conflict”.<sup>54</sup> In a similar vein, Hottinger argues that non-state armed groups will be more difficult to deal with if they are excluded from a peace process, a characteristic he asserts is, “without exception, the one common denominator shared by all [non-state armed groups,] be they in Africa, America, Asia or Europe”.<sup>55</sup>

Although it does make rational sense that legitimacy and ownership of a peace process have positive effects on the implementation and duration of a settlement, and it seems logical that armed groups may challenge peace processes in significant ways, the argument that all-inclusiveness increases legitimacy and ownership, and in turn results in a peace agreement that lasts longer lacks supporting empirical evidence, and the validity of the argument for all-inclusiveness as a general principle is consequently open

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<sup>49</sup> United Nations, “Statement by the President of the Security Council,” 23 September 2008. [Online] <http://www.securitycouncilreport.org/atf/cf/{65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9}/Mediation%20SPRST%202008%2036.pdf> [15 August 2008].

<sup>50</sup> Adrian Guelke, “Negotiations and Peace Processes,” in *Contemporary Peacemaking. Conflict, Violence and Peace Processes*, eds. J. Darby & R. Mac Ginty (Houndmills, Basingstoke, Hampshire, New York: Palgrave Macmillan, 2003), 59.

<sup>51</sup> Slim 2007, 18.

<sup>52</sup> Lawrence Susskind, “An alternative to Robert’s rules of order for groups, organizations, and ad hoc assemblies that want to operate by consensus” in *The Consensus Building Handbook. A Comprehensive Guide to Reaching Agreement*, eds. L. Susskind, S. McKearnan & J. Thomas-Larmer (Thousand Oaks, California: SAGE Publications, 1999), 22.

<sup>53</sup> Nicholas Haysom, “Negotiating the Political Settlement in South Africa. Are There Lessons for Other Countries?,” *Track Two 11:3* (2002), 35.

<sup>54</sup> Gardner 2005, 4.

<sup>55</sup> Julian Thomas Hottinger, “Engaging non-state armed groups in disarmament,” *Disarmament Forum 1* (2008). [Online] <http://www.unidir.ch/pdf/articles/pdf-art2709.pdf> [15 August 2008], 1.

to question. In order to examine the relationship between inclusion and exclusion and a peace process' success, it is necessary to ask:

- *Are agreements which include all parties more durable than those which do not?*

### **1.3 Conclusion**

Despite repeated calls for all-inclusiveness in the literature, there is a need to define what an all-inclusive peace process entails. Moreover, the foundation for the assertion that all-inclusiveness will lead to a successful outcome is weak and the principle should consequently be examined closer.

The following examines the relationship between participation and the use of violence.

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## 2. Violence

### 2.1 Exclusion of warring groups

Some contributions in the literature on peace processes suggest that it is not *appropriate* to allow parties who have used violence to participate in peace processes. Negotiating with groups who are responsible for human rights violations is arguably problematic as it implies an acceptance of “the validity of their demands and complaints, and rewarding them for violence”.<sup>56</sup> This view does not present a significant challenge to the principle of all-inclusiveness. The generally held view is in line with the argument of Slim, who suggests that engaging with individuals responsible for atrocities can be controversial, but “[m]ore often than not, such people and such groups will prove to be part of the solution”.<sup>57</sup>

While armed groups are today considered to be key actors in peace processes and the frequent inclusion of armed groups in peace processes is so prominent it can be termed “a trend”, and although the implications of engaging with perpetrators of violence does not significantly challenge the principle of all-inclusiveness on a theoretical level, it is useful to identify if rewarding violence by including warring groups is a concern for mediators in practice.<sup>58</sup>

- *Is avoiding to reward violence an important concern for mediators?*

### 2.2 Inclusion of warring groups

Use of violence may be a necessary *requirement* for a party to be considered as a relevant actor in a peace process. First, armed groups are often considered relevant partners in a negotiation process due to their use of violence. As Greig & Regan argues, “rebel groups must use violence as a bargaining tool to bring the government to the negotiating table”.<sup>59</sup> Secondly, parties that use violence are considered particularly

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<sup>56</sup> Dean Pruitt, “Negotiation with Terrorists,” *International Negotiation* 11 (2006), 381.

<sup>57</sup> See Slim 2007, 10.

<sup>58</sup> Darby 2001, 118.

<sup>59</sup> Michael J. Greig & Patrick M. Regan, “Who Mediates? An Analysis of the Willingness to Offer and Accept Mediation in Civil Wars,” Paper prepared for presentation at the 2006 Annual Meeting of the American Political Science Association, Philadelphia, PA, 31 August – 3 September 2006. [Online] Available: [http://www.allacademic.com//meta/p\\_mla\\_apa\\_research\\_citation/1/5/1/6/6/pages151669/p151669-1.php](http://www.allacademic.com//meta/p_mla_apa_research_citation/1/5/1/6/6/pages151669/p151669-1.php) [15 April 2008], 7.

important participants in such processes. As Brahimi states, it is considered one of the key principles of mediation, and “straightforward and un-controversial” knowledge, that all parties that can hinder the peace process from succeeding must be included.<sup>60</sup> In a similar vein, Darby & Mac Ginty argues that “[a] lasting agreement is impossible unless it actively involves those with the power to bring it down by violence”.<sup>61</sup>

The argument that armed groups must be included for a peace process to be successful is based upon the assumption that armed groups will reduce or stop their use of violence when included in a peace process, and that this will in turn ensure that the process is successful. The relationship between inclusion and violence is not sufficiently explained, neither are reasons nor evidence provided in support for the argument, and the claim should consequently be questioned:

- *Does including a party prevent it from using violence?*

### **2.3 Violence a hinder for success**

According to Darby, “[i]t is not uncommon for a peace process to be overturned by violence even after an accord has been agreed to and is being implemented”.<sup>62</sup> This shows that the use of violence is a serious problem in peace processes. An example is the Northern Ireland peace process, where violence “undermined the significance and efficiency of the talks”.<sup>63</sup>

It is unlikely, however, that all types of violence, at all times, represent a serious threat to the peace process, and it is therefore legitimate to question whether the use of violence necessarily hinders such processes. According to Zartman, a peace process can handle some disturbing elements – an excluded party’s ability to hinder a peace process from succeeding will depend on the other parties involved, both those included and those excluded from the peace process. What is essential, Zartman states, is that “the

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<sup>60</sup> Lakhdar Brahimi, “Briefing to the Security Council. High level Debate on Mediation and the Settlement of Disputes.” Briefing to the United Nations Security Council, 23 September 2008.

<sup>61</sup> Darby & Mac Ginty 2000, 266.

<sup>62</sup> Darby 2001, 13.

<sup>63</sup> Bloomfield, Nupen & Harris 1998, 70.

agreeing parties must comprise enough players to keep the remaining disagreeing ones from upsetting the agreement".<sup>64</sup> It is consequently necessary to ask:

- *When does the use of violence hinder the progress of a peace process?*

## **2.4 Conclusion**

Several questions should be raised in relation to participation and the use of violence. First, although a concern for rewarding warring groups for their use of violence by including them in the peace process does not present challenge to principle in theory, it is useful to identify whether it is a concern for mediators in practice. Second, it is necessary to investigate the assumption that armed groups will stop their use of violence when included in a peace process, and that this will in turn ensure that the process is successful. Third, a more detailed examination of the relationship between inclusion of warring groups and their use of violence is needed. Although violence often succeeds in bringing peace processes down, it is necessary to identify when violence can derail a peace process, and when it does not present a hinder for its success.

The following examines possible consequences of excluding a warring party from a peace process.

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<sup>64</sup> William I. Zartman, "Bargaining and Conflict Resolution," in *Coping with Conflict after the Cold War*, eds. E. A. Kolodziej & R. Kanet (Baltimore: John Hopkins University Press, 1996), 275.

### 3. Consequences of exclusion

#### 3.1 Exclusion and spoiling

Contributions in the literature on peace processes indicate that parties' behaviour will be affected by their inclusion or exclusion in the peace process. As stated above, it is assumed in the literature that warring parties to a conflict will be less likely to use violence if included in a peace process, and are therefore especially important parties to engage. Similarly, it is argued that outsiders to a peace process are more likely to become *spoilers* – “groups and tactics that actively seek to hinder, delay, or undermine conflict settlement through a variety of means and for a variety of motives” – than parties who are included, for three reasons.<sup>65</sup> First, ideological reasons might prevent them from supporting the peace process, as “their survival may be premised on the continuation of strife”.<sup>66</sup> Second, the party might benefit financially from the continuation of conflict. Third, the party might fear marginalisation as a result of not taking part in the peace process, which would otherwise bring it power and influence.<sup>67</sup> A party that is excluded from a peace process clearly has good reasons to become a spoiler, as it fears that the peace process will disregard its demands.<sup>68</sup> Parties who participate in negotiations, on the other hand, have “a venue to express their demands and they are usually ensured some sort of political representation in the post-agreement phase”.<sup>69</sup> It is therefore necessary to ask:

- *Does exclusion result in the party using spoiling tactics?*

#### 3.2 Responding to spoiling behaviour

The argument that exclusion will make a party more likely to utilise spoiling behaviour is reflected in the strategies suggested as appropriate for dealing with spoilers. Including

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<sup>65</sup> Edward Newman & Oliver Richmond, “The Impact of Spoilers on Peace Processes and Peacebuilding,” *Policy Brief 2* (2006), 1. [Online] Available: <http://www.unu.edu/publications/briefs/policy-briefs/2006/PB2-06.pdf> [15 August 2008]. It should be noted that this is a broader definition than the one originally presented by Stedman, who defined *spoilers* as “leaders and factions who view a particular peace as opposed to their interests and who are willing to use violence to undermine it.” See Stephen John Stedman, “Spoiler Problems in Peace Processes,” *International Security* 22, 2 (1997), 103.

<sup>66</sup> Marie-Jöelle Zahar, “Reframing the Spoiler Debate in Peace Processes,” in *Contemporary Peacemaking. Conflict, Violence and Peace Processes*, eds. J. Darby & R. Mac Ginty (Hampshire: Palgrave Macmillan, 2003), 118.

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*

an outside spoiler is seen as essential for a peace process to be successful, as the following statement by Zahar illustrates: “[B]uilding sustainable peace requires bringing the parties threatening to peace into the negotiation process (thus managing outside spoilers) and preventing them from developing incentives to renege during the implementation stage (or managing inside spoilers)”.<sup>70</sup>

As some spoilers seek to influence an ongoing peace process while others attempt to undermine it, the aims of the spoiler must be taken into account when deciding on the appropriate strategy.<sup>71</sup> One option is what Stedman calls the strategy of inducement, which implies meeting the party’s requests, and the appropriateness of the inducement strategy will depend on the specific demands of the party involved.<sup>72</sup> A spoiler with limited goals can be included in the peace process as long as “its demands are acceptable to the conflict’s other parties”,<sup>73</sup> while for total spoilers, groups that “pursue total power (...) and hold immutable preferences”, inclusion in the peace process will not be a suitable strategy.<sup>74</sup> A total spoiler’s commitment to a peace process will only be tactical, and the only way to respond to such a spoiler is by defeating or marginalising the party,<sup>75</sup> whereas parties that lie in between – greedy spoilers – “can be accommodated in peace processes if their limited goals are met and high costs constrain them from making added demands”.<sup>76</sup> If a party’s demands are not legitimate, Stedman suggests the departing train strategy, which “combines a judgement that the spoiler’s demands and behaviour are illegitimate with the assertion that the peace process will go irrevocably forward, regardless of whether the spoiler joins or not”.<sup>77</sup>

The suggested strategies to address the problem of spoiling behaviour are faced with two significant problems. First, it is very difficult to distinguish between parties who seek to influence and those who seek to undermine the peace efforts. Darby’s suggestion that parties who are willing to participate will, “under the right circumstances, [be] persuadable”, is not particularly helpful.<sup>78</sup> A second problem is that separating

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<sup>70</sup> Ibid, 114.

<sup>71</sup> Stedman 1997, 14-16.

<sup>72</sup> Ibid, 13.

<sup>73</sup> Ibid, 15.

<sup>74</sup> Ibid, 11.

<sup>75</sup> Ibid, 14.

<sup>76</sup> Ibid, 11.

<sup>77</sup> Ibid, 14.

<sup>78</sup> Darby 2001, 48.

legitimate from illegitimate demands is both a difficult and subjective task. An alternative approach is to distinguish between parties according to their importance in the peace process. Stepanova, primarily concerned with spoilers using terrorist tactics, argues that one should separate spoilers that matter<sup>79</sup> from small and radical spoiler groups”,<sup>80</sup> and that these types of actors should be responded to differently. She states:

“Challenges posed by major parties to a conflict that have all the necessary capabilities to undermine a peace process if and when they decide to do so require at least partial accommodation of their concerns, preferably as part of a peace agreement itself, and a strong emphasis on political transformation. In contrast, more radical “splinter” groups should be further marginalized and isolated (...).”<sup>81</sup>

Stepanova’s distinction is useful from the question of participation, and suggests that although the aims of a spoiler should be taken into account, the party’s ability to undermine a peace process should not be disregarded when deciding on strategy. In order to move beyond assumptions about the impact of different types of spoilers on peace processes, the following questions are useful:

- *Are parties included as long as their demands are legitimate, regardless of their spoiling behaviour?*
- *Do mediators ignore parties (use the departing train strategy) who undermine the peace process and hold illegitimate demands?*
- *Are parties being included, regardless of their demands, if they are able to undermine the peace process?*
- *Are small or radical parties marginalised in response to their spoiling behaviour?*

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<sup>79</sup> Spoilers that matter are by Stepanova defined as “major parties to a conflict that are not satisfied with the nature and/or handling of a peace process and do or may undertake terrorist acts to disrupt actual or potential peace negotiations.” Ekaterina Stepanova, “Terrorism as a Tactic of Spoilers in Peace Processes” in *Challenges to Peacebuilding: Managing Spoilers During Conflict Resolution*, eds. E. Newman & O.P. Richmond (Tokyo, New York, Paris: United Nations University Press, 2006), 90.

<sup>80</sup> Such groups are “often radicalized factions or offshoots of larger organizations that might have already signed or are likely to sign a peace accord or a cease-fire/confidence-building agreement.” Ibid, 90.

<sup>81</sup> Stepanova does moreover asserts that small and radical splinter groups should be marginalized “to a point when they could either be effectively destroyed (preferably by their own local rivals) or forced to leave the area and seek refuge abroad,” and it is questionable whether this is a good solution to these problems these groups pose. Ibid, 95.

### 3.3 Exclusion and extreme viewpoints

It is suggested in the literature that parties who are excluded from a peace process will be more likely to take extreme viewpoints. Gardner argues that “lack of engagement can *strengthen hardliners* who favour fighting over negotiation and leave constituents feeling that armed conflict is the only way to achieve their objectives”<sup>82</sup> and according to Ricigliano, this was the case for armed groups involved in conflicts in Nepal, Sri Lanka and Chechnya.<sup>83</sup> In order to ensure a sustained resolution of a conflict, Gardner therefore suggests that all armed groups should be included in the peace process. More investigation is needed to identify reasons and evidence for the relationship between exclusion and ideological stance and for the claim that inclusion of the group will solve the problem, and the following questions are useful in this regard:

- *Do parties take more extreme positions when excluded?*
- *Does inclusion of parties with extreme positions result in the party holding more moderate views?*

### 3.4 Conclusion

Contributions in the literature suggest good reasons for why an excluded party would want to become a spoiler, and it is necessary to examine if this is the case in practice. Whether including the party will be the appropriate response will however depend on the party's aims. In addition, it is suggested that one should distinguish between parties that matter and small, insignificant groups. It is suggested that warring groups are likely to hold more extreme views as a result of being excluded from the peace process. There is a need for more examination of the relationship between participation and ideological stance, especially whether including the party will solve the problem.

Next, the relationship between participation and the characteristics of parties is examined.

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<sup>82</sup> Gardner 2005, 4.

<sup>83</sup> Rob Ricigliano, “Introduction: Engaging armed groups in peace processes,” *Accord 16* (2005). [Online] Available: <http://www.c-r.org/our-work/accord/engaging-groups/introduction.php> [15 August 2008].

## 4. Characteristics of parties

### 4.1 Willingness to participate

Practical aspects regarding the participation of parties in peace processes can complicate the goal of having an all-inclusive peace process. Parties may not want to participate in a peace process or pull out of talks they are participating in. As Susskind et al. argue: “[F]iguring out who needs (and wants) to be at the table is one thing; getting them there is something else altogether”,<sup>84</sup> and several cases highlight this problem. In Sudan, the peace process stalled in 2007 as central armed groups boycotted the talks and the talks were postponed. Jan Eiasson, the UN’s envoy to Darfur, in 2007 declared that consultations with the individual parties would continue, and “real substantial negotiations [would] start when the parties are prepared”.<sup>85</sup> In 2006, the Liberation Tigers of Tamil Eelam (LTTE) threatened to pull out of talks with the Sri Lankan government after aid workers had been “kidnapped at a Sri Lankan army checkpoint”.<sup>86</sup> In Nigeria, negotiations between the government and some of the armed groups operating in the Niger Delta came to a halt in 2007 when the militias accused the Nigerian government “of military incursions and the arrest of [one of their] commander[s]”.<sup>87</sup> During the Cambodian peace process, Prince Sihanouk, described as a “key figure in the resolution of Cambodia’s future”, withdrew from the talks several times in order to put pressure on the other parties, for later to return to the process.<sup>88</sup>

The contributions arguing for all-inclusiveness fail to address the complex question of parties’ willingness to participate, and it is therefore necessary to ask:

- *Is it practically possible to have an all-inclusive process?*

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<sup>84</sup> Sarah McKearnan & David Fearnan, “Producing Consensus” in *The Consensus Building Handbook. A Comprehensive Guide to Reaching Agreement*, eds. L. Susskind, S. McKearnan & J. Thomas-Larmer (Thousand Oaks, California: SAGE Publications, 1999), 535.

<sup>85</sup> Matthew Weaver, “Darfur peace talks stall as rebels boycott meeting,” 29 October 2007. [Online] <http://www.guardian.co.uk/world/2007/oct/29/sudan.matthewweaver> [15 August 2008].

<sup>86</sup> Randeep Ramesh, “Tigers threaten to pull out of the peace talks,” 1 February 2006. [Online] <http://www.guardian.co.uk/world/2006/feb/01/randeepramesh.mainsection> [15 August 2008].

<sup>87</sup> Estelle Shirbon, “Nigerian oil delta rebel pull out of peace talks,” 15 December 2007. [Online] <http://www.alertnet.org/thenews/newsdesk/L15227222.htm> [15 August 2008].

<sup>88</sup> Nicholas D. Kristof, “Sihanouk Says He Is Withdrawing From Cambodia Settlement Talks,” 27 January 1989. [Online] <http://query.nytimes.com/gst/fullpage.html?res=950DE2D8143CF934A15752C0A96F948260> [15 August 2008].

## 4.2 Party coherence

Warring parties in a conflict are rarely unitary actors, which presents significant challenges for the principle of all-inclusiveness. Solomon highlights how parties to an intrastate conflict are not always easily identifiable: “[F]ighters are usually drawn from numerous political factions with diverging agendas, lines of command are blurred or nonexistent, and the battlefields are the very towns and villages where the combatants live”.<sup>89</sup> Parties are often “disparate, incohesive, and incoherent without a clear or coherent organizational structure, a single, well-integrated leadership, or a clear public mandate for action”.<sup>90</sup> The nature of the parties involved in a conflict will have important implications for the conflict dynamics as well as for the peace process, and especially for the question of inclusion and exclusion.<sup>91</sup>

- *What are the implications of incoherent party structures for the question of participation?*

### 4.2.1 Factions

Ayres has identified how parties are frequently divided into factions along three different lines.<sup>92</sup> First, parties can be split between the elite group and the masses that support them. Stedman’s study of Zimbabwe indicates that internal political dynamics within a party are important for the outcome of negotiations, including the relationship between a party’s leaders and its base.<sup>93</sup> Second, parties in conflict can have a political organisation and an armed wing, which was the case in both the Democratic Republic of the Congo (DRC),<sup>94</sup> Senegal,<sup>95</sup> and Guinea-Bissau.<sup>96</sup> Third, parties can be divided on

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<sup>89</sup> Richard Solomon, “Foreword,” in *The Effects of Violence in Peace Processes* (Washington, DC: United States Institute of Peace Press, 2001), vii.

<sup>90</sup> Timothy D. Sisk, “Mediating Africa’s Civil Conflicts – a User’s Guide,” in *Out of Conflict: From War to Peace in Africa*, eds. G. Sørbø & P. Vale (Uppsala: Nordiska Afrikainstitutet, 1997), 183.

<sup>91</sup> Stephen John Stedman, “Introduction,” in *Ending Civil Wars: The Implementation of Peace Agreements*, eds. S.J. Stedman, D. Rothchild & E. Cousens (Boulder: Lynne Rienner, 2002), 14.

<sup>92</sup> R. William Ayres, “No Peace at Any Price: The Effectiveness of Spoilers in Intrastate Conflicts,” Paper presented at the Annual Meeting of the International Studies Association, San Diego, CA, 22-25 March 2006. [Online] [http://www.allacademic.com//meta/p\\_mla\\_apa\\_research\\_citation/1/0/0/2/1/pages100212/p100212-1.php](http://www.allacademic.com//meta/p_mla_apa_research_citation/1/0/0/2/1/pages100212/p100212-1.php) [15 April 2008], 5.

<sup>93</sup> Stephen John Stedman, *Peacemaking in Civil War. International Mediation in Zimbabwe* (Boulder, Colo., London: Lynne Rienner Publishers, 1991).

<sup>94</sup> IRIN News, “DRC: Who’s who in Ituri – militia organizations, leaders,” 20 April 2005. [Online] <http://www.irinnews.org/Report.aspx?ReportId=53981> [15 August 2008].

whether to support a peace process, and consist of one group being pro-settlement and another being anti-settlement.<sup>97</sup> In Somalia, as talks were held in Djibouti in 2008, the party known as the Alliance split between members who demanded the departure of Ethiopian troops before being willing to enter dialogue and those who favoured talks despite Ethiopian troops being present.<sup>98</sup>

A fourth factor not mentioned in the literature is that parties are not static actors. A faction that is pro-agreement might change its stance as the conflict or peace process develops, and it is plausible that the relationship between a political faction and its armed wing and between the elite and masses can change over time. Factionalism is common amongst parties in peace processes, and the orthodoxy of all-inclusiveness fails to recognise the challenges this may represent.

#### **4.2.2 Splinter groups**

Divisions within parties may lead to splintering and new parties being formed, posing significant challenges for the question of participation. In the DRC, the Democratic Liberation Forces of Rwanda (FDLR) split several times. One splinter group is called the Rastas,<sup>99</sup> and disagreements within the FDLR's leadership led to another splinter group being formed: the Rally for Unity and Democracy-Urunana (RUD).<sup>100</sup> Leadership disagreements within the FDLR's armed wing, FOCA, "led to a splinter group named AN-Imboneza, which joined RUD as its military wing".<sup>101</sup>

In the Intergovernmental Authority on Development (IGAD) peace process in Sudan, the question of participation became a central issue and a point of contention when the parties who had already been acknowledged as valid participants to the process did not agree to the inclusion of the new parties and splinter factions, as it would imply further

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<sup>95</sup> IRIN News, "Senegal: Rebel leader is dead but peace process may stay alive," 15 January 2007. [Online] <http://www.irinnews.org/report.aspx?reportid=64351> [15 August 2008].

<sup>96</sup> IRIN News, "Guinea-Bissau: "Uncertain future as President dissolves government," 6 August 2008. [Online] <http://www.irinnews.org/Report.aspx?ReportId=79660> [15 August 2008].

<sup>97</sup> Ayres 2006.

<sup>98</sup> IRIN News, "Somalia: "Alliance" divided over Djibouti peace accord," 10 June 2008. [Online] <http://www.irinnews.org/Report.aspx?ReportId=78667> [15 August 2008].

<sup>99</sup> Amnesty International, "Democratic Republic of the Congo," ND. [Online] <http://thereport.amnesty.org/eng/regions/africa/democratic-republic-of-the-congo> [15 April 2008].

<sup>100</sup> Rebecca Feeley & Colin Thomas-Jensen, "Past Due: Remove the FDLR from Eastern Congo," 6 March 2008. [Online] [http://www.enoughproject.org/reports/congo\\_fdlr](http://www.enoughproject.org/reports/congo_fdlr) [15 April 2008]

<sup>101</sup> Ibid.

sharing of resources and power.<sup>102</sup> The case of Sudan indicates that a complex landscape of parties poses challenges to peace processes and in particular to the question of participation, and suggests that a peace process that has begun may be disrupted by the attempt to include new parties into the process. In order to address the issue of factionalism and splintering in relation to the principle of all-inclusiveness, it is useful to ask the following question:

- *Do mediators include all factions and splinter groups in the peace process?*

### **4.3 Conclusion**

In sum, it is necessary to examine the issue of parties' willingness to participate in order to obtain a more nuanced understanding of the principle of all-inclusiveness. Moreover, parties are rarely unitary actors, and the nature of parties involved in a conflict will have important implications for the question of inclusion and exclusion. Examples show that factionalism and splintering is common, and the principle of all-inclusiveness fails to recognise the challenges this may present.

Next, possible consequences of all-inclusiveness are examined.

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<sup>102</sup> Young 2005, 101.

## 5. Consequences of all-inclusiveness

### 5.1 The number of participants

A peace process is much more complex than “a simple interaction between two clearly defined and well-articulated adversaries plus one mediating party”,<sup>103</sup> as illustrated by the Darfur peace process. In 2003, the Justice and Equality Movement and the Sudan Liberation Army were the two main groups in conflict with the government. By 2007, the number of groups had increased to 28, due to “tribal disputes, geographical realities (...) and the lust for power...”.<sup>104</sup>

As Sebenius underlines, “parties themselves are often important choice variables in negotiation”.<sup>105</sup> Including a high number of parties in a peace process affects both the process itself and its outcome, as the more parties participate, the more difficult the talks become. Cunningham finds a strong correlation between the number of *veto players* – groups that have divergent views than other actors in the conflict, are internally cohesive enough to hold their position, and are able to “continue the war unilaterally if the other parties to the conflict reach an accord” – and the duration of civil war.<sup>106</sup> A high number of veto players in a conflict implies that “there are fewer acceptable agreements, information asymmetries are more acute, and shifting alliances and incentives to hold out make negotiation more difficult”,<sup>107</sup> and conducting a peace process as well as finding an outcome that is acceptable to all is consequently more difficult.

The Inter-Congolese Dialogue in the DRC highlights the challenges resulting from involving a high number of participants. Rogier suggests that the content of the talks was gradually being narrowed to comprise only power-sharing, while “the number of contestants simultaneously, and correlatively, kept growing. Greedy warlords (...)

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<sup>103</sup> Christopher Mitchell, “Mediation and the Ending of Conflicts,” in *Contemporary Peacemaking. Conflict, Violence and Peace Processes*, eds. J. Darby & R. Mac Ginty (Houndmills, Basingstoke, Hampshire, New York: Palgrave Macmillan, 2003), 77.

<sup>104</sup> Jeffrey Gettleman, “Rebel Unity is Scarce at the Darfur Talks in Libya,” *The New York Times*, 31 October 2007. [Online] Available: <http://www.nytimes.com/2007/10/31/world/africa/31darfur.html? r=1&oref=slogin> [15 August 2008].

<sup>105</sup> James K. Sebenius, “Negotiation Arithmetic: Adding and Subtracting Issues and Parties,” *International Organization* 37, 2 (1983), 281.

<sup>106</sup> David E. Cunningham, “Veto Players and Civil War Duration,” *American Journal of Political Science* 50, 4 (2006), 878-879.

<sup>107</sup> *Ibid*, 875.

managed to 'shoot their way' to the negotiating table, thereby increasing the difficulty of finding an agreement and impoverishing further the contents of the talks",<sup>108</sup> and the dynamics became a "vicious cycle" in the process.<sup>109</sup> In the Darfur peace process, a high number of participants complicated the peace efforts as the various movements involved did not speak with one voice.<sup>110</sup>

According to Clapham, the principle of all-inclusiveness "does not facilitate problem-solving between the parties and consequently reduces the chances of a successful implementation".<sup>111</sup> In order to be successful, peace processes need a "transition bargain", a sincere agreement which has "the active support of the key parties which [are] needed to implement it, and which could where necessary be imposed on recalcitrants who might be tempted to disrupt it".<sup>112</sup> By including a high number of parties, a weak result is more likely and the prospects for successful implementation is reduced, in contradiction to the idea that all-inclusiveness as a recipe for success. The following question should be raised:

- *Does a high number of parties included in a peace process negatively affect the peace process and its outcome?*

## **5.2 Process strategies and effects on the landscape of parties**

Applying the principle of all-inclusiveness might encourage factionalism and the formation of splinter groups during a peace process. Cases indicate that expressing all-inclusiveness as a goal may give parties bargaining power and foster the development of splinter groups. In the Liberian peace process, the goal of all-inclusiveness led to a "proliferation of competing factions" and the actual negotiations became more complicated,<sup>113</sup> while in the case of Somalia, "efforts to include and accommodate everybody (...) generated increasing factionalism and – intentionally or unintentionally

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<sup>108</sup> Emeric Rogier, "The Inter-Congolese Dialogue: A Critical Overview," In *Challenges of Peace Implementation. The UN Mission in the Democratic Republic of Congo*, eds. M. Malan & J. Gomes Porto (Pretoria, South Africa: Institute for Security Studies, 2004), 39. [Online] Available: <http://www.iss.co.za/pubs/Books/CoPBookMay04/Contents.htm> [15 August 2008].

<sup>109</sup> Ibid.

<sup>110</sup> Gettleman 2007.

<sup>111</sup> Clapham 1998, 196.

<sup>112</sup> Ibid, 196-197.

<sup>113</sup> Ibid, 205.

– left some complaining that they had been excluded”.<sup>114</sup> It is necessary to examine how the landscape of parties involved in a conflict is influenced by the principle of all-inclusiveness:

- *Do a mediator's attempts at including all parties lead to factionalism, splintering and new party formations?*

### **5.3 Conclusion**

In sum, including a high number of parties in a peace process increases the chances for a weak result and reduces the prospects for successful implementation, in contradiction to the idea that all-inclusiveness as a recipe for success. Moreover, cases suggest that the principle of all-inclusiveness may foster factionalism and splinter groups, and increase parties' bargaining power. Applying the principle of all-inclusiveness may in other words complicate the peace process rather than ensuring its success.

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<sup>114</sup> Ian Spears, "Understanding Inclusive Peace Agreements in Africa: The Problems of Sharing Power," *Third World Quarterly* 21, 1 (2000), 110.

## 6. Summary

Although contributions in the literature frequently state that peace processes must include all warring parties in order to be successful, insufficient theoretical reasoning or empirical evidence is provided to support the argument, and a critical examination of the question of participation is needed.

In particular, the following eight issues need to be further examined: First, it is necessary to define what is meant by an *all-inclusive process*, as experts on peace processes often call for a peace process to be all-inclusive without explaining what the characteristics of such a process are. Second, the argument that an inclusive process increases the chances of success is a weak one, based on problematic assumptions, and it is necessary to question the claim that including a party into a peace process will hinder it from using violence and that violence will always be an obstacle to a peace process. Third, parties who are excluded from a peace process have good reasons to use spoiling tactics, and it is necessary to examine if this is the case in practice. When considering the appropriate strategy for response, the ability of a party to challenge or hinder a process seems to be equally important as the party's aims. Fourth, the claim that parties are prone to become hardliners as a result of being excluded, and whether including the party will solve the problem, needs to be investigated further. Sixth, practical questions present the principle of all-inclusiveness with significant challenges. A high number of parties involved complicates the peace process itself, makes it more difficult to find solutions that are acceptable to all and reduces the chances of successful implementation, and one should therefore examine if the assertion that an all-inclusive process leads to success holds in practice. Seventh, party without a coherent structure, factionalism, splintering and new party formations complicate the question of who a party's representatives are and which factions, if not all, should be included, and the implications for the principle of all-inclusiveness should be further examined. Eight, cases show that the principle of all-inclusiveness may encourage factionalism and splinter groups, and it is necessary to examine how an inclusive process, or a stated goal of all-inclusiveness, affects the landscape of parties.

In conclusion, the argument for all-inclusiveness is based on assumptions that are problematic and it is insufficiently supported by evidence. The relationship between

participation and success is more complex than recognised in the literature, and contributions ignore important dimensions of contemporary conflicts and peace processes that pose significant challenges to the doctrine. The following questions should guide a further examination of the issue of participation:

1. *What are the common traits through which an all-inclusive process is defined?*
2. *Does an all-inclusive process include absolutely all parties, or are some parties considered more relevant?*
3. *Does all-inclusiveness mean the participation of armed groups as well as political groups?*
4. *Are agreements which include all parties more durable than those which do not?*
5. *Is avoiding to reward violence an important concern for mediators?*
6. *Does including a party prevent it from using violence?*
7. *When does the use of violence hinder the progress of a peace process?*
8. *Does exclusion result in the party using spoiling tactics?*
9. *Are parties included as long as their demands are legitimate, regardless of their spoiling behaviour?*
10. *Do mediators ignore parties (use the departing train strategy) who undermine the peace process and hold illegitimate demands?*
11. *Are parties being included, regardless of their demands, if they are able to undermine the peace process?*
12. *Are small or radical parties marginalised in response to their spoiling behaviour?*
13. *Do parties take more extreme positions when excluded?*
14. *Does the inclusion of parties with extreme positions into the peace process result in the party holding more moderate views?*
15. *Is it practically possible to have an all-inclusive process?*

16. *What are the implications of incoherent party structures for the question of participation?*
17. *Do mediators include all factions and splinter groups in the peace process?*
18. *Does a high number of parties included in a peace process negatively affect the peace process and its outcome?*
19. *Do a mediator's attempts at including all parties lead to factionalism, splintering and new party formations?*

In the following section, these questions will be used as a tool in the analysis of the peace process in Burundi.

### **III. BURUNDI**

The following chapter examines the peace process in Burundi with particular emphasis on the issues of inclusion and exclusion. After giving a background to the conflict and its parties, and the Burundian process is discussed through an examination of the following five topics:

1. The principle of all-inclusiveness;
2. The use of violence;
3. The consequences of exclusion;
4. Characteristics of the parties;
5. The consequences of an all-inclusive process.

Under each heading, a discussion of the topic is followed by a response to the questions raised in the analytical framework, where applicable to the case of Burundi.

## 1. Background to the conflict

The Republic of Burundi is a small state in the Great Lakes region of Africa. It is one of the poorest states in the world and with its population of 8.5 million it is one of Africa's most population dense countries.<sup>115</sup> The population is made up of three ethnic groups: 85% Bahutu, 14% Batutsi and 1% Batwa – often called *Hutu*, *Tutsi* and *Twa*<sup>116</sup> – and as the Twa constitute such a small part of the population, Hutu and Tutsi are generally seen as the central groups.<sup>117</sup> A series of related violent conflicts dominate Burundi's post-independence history. In 1961, the year before independence, *Union pour le Progrès National* (UPRONA) was elected to power,<sup>118</sup> and not long after, political unrest, supported by the previous colonial administration, disrupted and culminated in a violent competition for control of the state.<sup>119</sup> Coups and violent attacks have since dominated Burundi's history and should be considered as foundations for the current phase of the conflict.

The conflict in Burundi is frequently being referred to as an *ethnic conflict*. An ethnic group is “a segment of a larger society whose members are thought, by themselves or others, to have a common origin and to share important segments of a common culture and who, in addition, participate in shared activities in which the common origin and culture are significant ingredients”.<sup>120</sup> “An ethnic conflict involves two or more groups who inhabit a common region, have many features in common, yet each perceives itself to be different, is seen by others as different, and where one or more of the groups

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<sup>115</sup> BBC, “Country Profile: Burundi,” 18 April 2008. [Online]. Available:

[http://news.bbc.co.uk/2/hi/africa/country\\_profiles/1068873.stm](http://news.bbc.co.uk/2/hi/africa/country_profiles/1068873.stm) [15 August 2008].

<sup>116</sup> Although these numbers are unreliable, they are generally believed to reflect the composition of Burundian population. Floribert Ngaruko & Janvier Nkurunziza, “An Economic Interpretation of Conflict in Burundi,” *Journal of African Economies* 9, 3 (2000), 372. *Hutu*, *Tutsi* and *Twa* are the prevalent terms used in the literature on Burundi and will also be used here. The correct terms are, however, Bahutu, Batutsi and Batwa. Bahutu is plural while Mahutu is singular, Batutsi is plural and Matutsi singular, Batwa is plural and Matwa singular. Burundi is also plural, while the singular is Murundi. See Patricia Daley, “Ethnicity and political violence in Africa: The challenge to the Burundi state,” *Political Geography* 25 (2006), 658.

<sup>117</sup> Ngaruko & Nkurunziza 2000, 372.

<sup>118</sup> Charles Villa-Vicencio, Paul Nantulya & Tyrone Savage, *Building Nations. Transitional Justice in the African Great Lakes Region* (Cape Town: Institute for Justice and Reconciliation 2005), 4.

<sup>119</sup> Institute for Security Studies, “Burundi. Political System and History.” February 2005. [Online]. Available: <http://www.iss.co.za/af/profiles/burundi/politics.html> [15 August 2008].

<sup>120</sup> John Milton Yinger, *Ethnicity. Source of strength? Source of conflict?* (Albany, N.Y.: State University of New York Press, 1994), 3.

involved has a strong sense of grievance (about cultural, political or economic resources)".<sup>121</sup>

The following five issues are important to note when considering the conflict in Burundi:

1) The differences between Hutu and Tutsi were shaped by the colonial powers' use of ethnicity for instrumental purposes.

As Chrétien states: "[S]ince the first contact with Europeans and their growing hold over the region's societies, the Tutsi-Hutu antagonism, in Rwanda and Burundi, gained practical priority and intellectual primacy".<sup>122</sup> Prunier describes how the colonizers distinguished between the Hutu, Tutsi and the Twa when they first reached the Great Lakes region. The groups "shared the same Bantu language, lived side by side with each other without any 'Hutuland' or 'Tutsiland' and often intermarried. But they were neither similar nor equal".<sup>123</sup> The Twa constituted 1% or less of the population and "either lived as hunter-gatherers in the forested areas or else served the high-ranking personalities and the King (...)".<sup>124</sup> "The Hutu who made up the vast majority of the population, were peasants who cultivated the soil. They had a standard Bantu physical aspect, rather resembling the populations of neighbouring Uganda or Tanganyika. But the Tutsi were something else altogether. Extremely tall and thin, and often displaying sharp, angular facial features, these cattle-herders were obviously of a different racial stock than the local peasants", writes Prunier.<sup>125</sup>

Physical differences combined with the "obsessive preoccupation with 'race' in the late nineteenth-century anthropological thinking", led to theorizing about the origins of the Tutsi.<sup>126</sup> The Tutsi were seen as "socially superior",<sup>127</sup> and "'scientific' theories about the

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<sup>121</sup> Jacob Bercovitch & Karl Derouen Jr., "Managing Ethnic Civil Wars: Assessing the Determinants of Successful Mediation" *Civil Wars* 7, 1 (2005), 99.

<sup>122</sup> Jean-Pierre Chrétien, *The Great Lakes of Africa. Two Thousand Years of History* (New York: Zone Books 2003), 281-2.

<sup>123</sup> Gérard Prunier, *The Rwanda Crisis: History of a Genocide* (New York: Colombia University Press, 1995), 5.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> Prunier 1995, 6. See also Catharine Newbury, "Ethnicity and the Politics of History in Rwanda" *Africa Today* 45, 1 (1998).

'Hamitic' or 'Semitic' origins of the Tutsi were developed",<sup>128</sup> and this was to have significant impact on the developments in Burundi and Rwanda. As Prunier argues about Rwanda, and is according to Bentley & Southall equally applicable to Burundi, the view of the Tutsi as a superior race impacted on how the colonial powers governed,<sup>129</sup> and had significant consequences for the population through the dissemination of "value-laden stereotypes", which in turn inflated "the Tutsi cultural ego inordinately and crushing Hutu feelings until they coalesced into an aggressively resentful inferiority complex".<sup>130</sup> The Tutsi image of being superior and the Hutu image of being inferior, combined with the political and administrative strategies of the colonial power to favour the Tutsi resulted in what Prunier calls a "social bomb".<sup>131</sup>

In Burundi, a "sociopolitical hierarchy" consisted of a king and princes on top, levels of Tutsi in the middle, then the Hutu, and finally the Twa at the bottom".<sup>132</sup> The hierarchy was fluid,<sup>133</sup> but with centralization of power, relationships were "feudalized; that is, rather than providing for possibilities for upward mobility by individual Hutu, they tended to become solidified and to reinforce unequal land and labour rights and duties to the advantage of Tutsi, who in effect 'established a regime of caste' (...) and reduced Hutu to serfdom".<sup>134</sup> This process was essentially a "center-periphery affair", but as "elites were co-opted by the monarchy to be faithful servants (...), the more they were 'tutsified'".<sup>135</sup> Through indirect rule under the colonial period, Tutsis got the "role of a natural elite who constituted a 'superior race,' an identification which to a large measure became internalized by Hutu, who were poor and powerless, and internalized their inferiority".<sup>136</sup>

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<sup>128</sup> Prunier 1995, 8. It is now argued that "the Tutsi are no more 'Hamitic' than the Hutu, and that the physical differences which arose developed over time through occupational and dietary specialization. See Bentley & Southall 2005, 33.

<sup>129</sup> Bentley & Southall 2005, 34.

<sup>130</sup> Prunier 1995, 8-9.

<sup>131</sup> Prunier 1995, 9.

<sup>132</sup> Peter Uvin, "Ethnicity and Power in Burundi and Rwanda: Different Paths to Mass Violence" *Comparative Politics* 31, 3 (1999), 255. See René Lemarchand, *Burundi: Ethnic Conflict and Genocide* (New York: Woodrow Wilson Center Press, Cambridge University Press, 1996), 10-11 for an explanation of the relation between ethnic differences and differences in social status.

<sup>133</sup> Uvin 1999, 255. Several authors describe divisions between Hutu and Tutsi as flexible identities. See Lemarchand 1996, 8-9 and Bentley & Southall 2005, 31.

<sup>134</sup> Bentley & Southall 2005, 36.

<sup>135</sup> Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton, New Jersey: Princeton University Press, 2002), 87.

<sup>136</sup> Bentley & Southall 2005, 37.

## 2) The differences between Hutu and Tutsi became the basis for political identification.

The insights of Mamdani are useful in explaining how colonial rule was legitimized and justified on the basis of racial differences. By separating between ethnic groups in the organization of power (through indirect rule, in the sense that every ethnic group were organized under its own 'native authority'), ethnic groups became political communities.<sup>137</sup> Instead of being divided into multiple ethnic groups, the situation in the Great Lakes region was one where Hutu "were not ruled by their own chiefs, but by Tutsi chiefs. Tutsi were transformed into a different race, 'strangers' and 'settlers'; in short, the hamitic race".<sup>138</sup> According to Mamdani, colonial rule in the region resulted in the racialisation of the Tutsi/Hutu difference,<sup>139</sup> and one can therefore say that the differences between Tutsi and Hutu are "historical constructs",<sup>140</sup> used for instrumental purposes,<sup>141</sup> and resulted in "Hutu-ness or Tutsi-ness" which led to the formation of Hutu and Tutsi as political identities.<sup>142</sup> Hutu and Tutsi as political identities were other words institutionalized during colonial rule.

## 3) The political identity of Hutu and Tutsi was further entrenched by the reinforcing pattern of differences combined with the zero-sum nature of the conflict.

Since the colonial period, the political separation between Hutu and Tutsi has been reinforced through a pattern of differentiation. The Rwanda revolution in 1959-1961 contributed to an increased intensity of the polarisation of the Hutu-Tutsi relationship, and since Burundian independence in 1962, Hutus were subject to a "systematic exclusion from the seats of executive power", which in turn promoted the rise of Hutu ethnicity.<sup>143</sup>

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<sup>137</sup> Ibid, 38.

<sup>138</sup> Ibid, 39.

<sup>139</sup> Mamdani 2002, 24.

<sup>140</sup> Bentley & Southall 2005, 37.

<sup>141</sup> See Lemarchand 1996, 5-9 for remarks on the difference between primordialist and instrumentalist ethnicity.

<sup>142</sup> Mamdani 2002, 24 and Bentley & Southall 2005, 32.

<sup>143</sup> René Lemarchand, "Burundi at a Crossroads," in *Security Dynamics in Africa's Great Lakes Region*, edited by G.M. Khadiagala. (Boulder, Colo.: Lynne Rienner, 2006), 50.

Competition for control of the state has been central in reinforcing the divisions between Tutsi and Hutu, as “the state was the main source of enrichment and power in society and conferred great opportunities to those who controlled it. Following the events in Rwanda, state control became the sole vehicle for the Tutsi to retain their privileges, while conversely it was the sole means of rapid social advancement for Hutu”.<sup>144</sup> Policies of exclusion in turn increased the importance of being in control of the state. According to Ngaruko and Nkurunziza, “the state has been privatised to serve interests of some overlapping networks which can be represented as concentric circles: the chances of success are higher for Tutsi than for Hutu. However, among the Tutsi ethnic group, the chances are higher for those originating from the southern province of Bururi, and are highest for the military Tutsi originating from this province”.<sup>145</sup> The exclusionary policies have affected access to economic opportunities and education, but most importantly participation in political life.<sup>146</sup>

As Chrétien explains it, the “socio-ethnic antagonism, defined as structural, slowly crystallized into an obsessive fear: of a solution founded on a binary majority-minority relationship that would entail evicting one group or the other from the political arena”.<sup>147</sup> Through what Lemarchand has called a “self-fulfilling prophecy”,<sup>148</sup> a pattern of repression and violence became entrenched,<sup>149</sup> where the “dramatization of [the] cleavage, with its all-or-nothing stakes, have been carried out through systemic mass violence”.<sup>150</sup> Political events were hence “invested with an ethnic interpretation”<sup>151</sup> and created a trap of “politics of revenge”.<sup>152</sup>

4) It is essential to note that the groups involved in the Burundian conflict represent political categories rather than ethnic identities.

As Prunier states: “The Tutsi-Hutu conundrum is only the surface of the deeper economic limitations. (...) The real problem is poverty ... The only thing that matters is

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<sup>144</sup> Uvin 1999, 256.

<sup>145</sup> Ngaruko & Nkurunziza 2000, 382.

<sup>146</sup> Ibid.

<sup>147</sup> Chrétien 2003, 312.

<sup>148</sup> Rene Lemarchand, *The Dynamics of Violence in Central Africa* (Philadelphia: University of Pennsylvania Press, 2009), 143.

<sup>149</sup> Lemarchand 2006, 44.

<sup>150</sup> Chrétien 2003, 313.

<sup>151</sup> Ibid, 313.

<sup>152</sup> Ibid, 315.

power ... outside of government there is absolutely nothing in Burundi you can make money out of ... Out of power, you do not eat".<sup>153</sup> It is therefore evident that "the Hutu/Tutsi binary has only limited explanatory value" when considering the case of Burundi.<sup>154</sup>

5) The conflict in Burundi is political in nature, and has been characterised by a series of violent political struggles, essentially about control of state power.

Policies of exclusion and the power structure's lack of legitimacy resulted in a competition for power which essentially was one of resistance against domination. It is therefore accurate to say that the conflict is about governance in a broad sense, "about who is in political control at a particular point in time, how legitimate that control is, under what political system the control is based, under what political institutions it is operated, and how stable the political institutions are".<sup>155</sup>

### **1.1 The current phase of the conflict**

The current phase of the conflict in Burundi started in 1993. In June of that year, Burundi's first democratic elections were held, which the *Front pour la Démocratie au Burundi* (FRODEBU) won and a Hutu, Melchior Ndadaye, became president for the first time since decades of one-party rule by the mainly Tutsi party *Union pour le Progrès National* (UPRONA).<sup>156</sup> Signifying a peaceful transfer of power from the minority group to the majority, the election was understood as being close to a miracle, but despite the promising result of the election, violence soon broke out again.<sup>157</sup> Within months, president Ndadaye and other leaders were killed in a coup led by a faction of the army,

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<sup>153</sup> Gérard Prunier quoted in IRIN News, "Burundi: No peace without prosperity – analysts," *IRIN News*, 13 November 2008. [Online]. Available: <http://www.irinnews.org/Report.aspx?ReportId=81447> [15 March 2009].

<sup>154</sup> Daley 2006, 666.

<sup>155</sup> Mohammad O. Maundi, William I. Zartman, Gilbert M. Khadiagala & Kwaku Nuamah, *Getting In: Mediators' Entry into the Settlement of African Conflicts* (Washington, D.C.: United States Institute of Peace Press, 2006), 58.

<sup>156</sup> Villa-Vicencio, Nantulya & Savage 2005, 4.

<sup>157</sup> Lemarchand 1996, xi.

and as a consequence of the assassinations, Hutus attacked Tutsis<sup>158</sup> across the country, and the army then intervened with brutality, attacking Hutus.<sup>159</sup>

After the assassination of Ndadaye, FRODEBU, UPRONA and other political parties reached an agreement in which FRODEBU kept the presidency and Cyprien Ntuyamira became the new president, while UPRONA and other parties controlled 60 % of the executive posts in the government. New challenges presented themselves in April 1994 when Ntuyamira died together with Rwandan president Habyarimana when their plane was shot down.<sup>160</sup> An agreement reached in September 1994, the Convention of Government (CG), made provisions for the establishment of a coalition government led by a president from FRODEBU and a prime minister from UPRONA, and other transitional arrangements.<sup>161</sup> The transitional government institutions did however not work effectively, and some Hutu politicians rejoined armed groups such as the Conseil national pour la Défense de la Démocratie (CNDD), Front our la Libération Nationale (FROLINA) and Parti pour la Libération du Peuple Hutu (PALIPEHUTU).<sup>162</sup> As the army responded with attacks on civilians and the government requested a regional military intervention, Major Pierre Buyoya<sup>163</sup> took power in a coup d'état.<sup>164</sup>

Regional pressure and sanctions followed, as did several regional summits aimed at finding a solution to the situation. Talks between the Buyoya II regime (so called as Buyoya also held power after a coup in 1987) and the CNDD culminated in the Rome Accords on 10 May 1997.<sup>165</sup> The agreement with the CNDD broke down, however, and the Buyoya II government then sought to find an arrangement with FRODEBU, which in June 1998 resulted in the Internal Partnership Agreement, a settlement between the

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<sup>158</sup> There were also cases of attacks of Hutu (FRODEBU sympathizers) upon Hutu (UPRONA sympathizers). Ibid, xiii.

<sup>159</sup> Ibid, xiii-xiv.

<sup>160</sup> Institute for Security Studies 2005.

<sup>161</sup> International Crisis Group, "Burundi Under Siege," Rapport Burundi no. 1, 27 April 1998. [Online]. Available: [http://www.crisisgroup.org/library/documents/report\\_archive/A400217\\_28041998.pdf](http://www.crisisgroup.org/library/documents/report_archive/A400217_28041998.pdf) [3 October 2007], 1.

<sup>162</sup> Ibid, 1.

<sup>163</sup> Buyoya had also been in power between 1987 and 1993, hence his regime is often referred to as Buyoya II. Ibid.

<sup>164</sup> Buyoya was declared President by the army on 25 July 1996. He "announced the suspension of the Constitution, its replacement by a three year Transitional Decree, the suspension of political parties and his intention to launch multi-party talks." Sanctions were consequently imposed and in September 1996, the government stated that it would "reinstate Parliament and the political parties." Ibid, 4-5.

<sup>165</sup> This process was facilitated by the Community of Sant'Egidio. Ibid, 5.

government and the National Assembly dominated by FRODEBU.<sup>166</sup> Buyoya, believing that this agreement would be the foundation for a new political order, agreed to start negotiations in Arusha on the 15<sup>th</sup> of June 1998.<sup>167</sup> In 2000, the Arusha Peace and Reconciliation Agreement was signed,<sup>168</sup> an accord that included provisions for an ethnically balanced government and military and set out a transitional period that would culminate in democratic elections.<sup>169</sup> Central armed groups were not signatories to the agreement, but continued efforts to involve them eventually led to several ceasefire agreements between the government and the various groups.<sup>170</sup>

The Arusha agreement brought an end to the violent conflict in Burundi. A power-sharing government was set up in 2001 and in 2005, parliamentary elections were held in which the former armed group CNDD-FDD won the vote and its leader, Pierre Nkurunziza became president.<sup>171</sup> Although challenges remain, the 2005 elections and the successful integration of former government army and CNDD-FDD combatants “were major steps forward on the road to national peace and reconciliation”.<sup>172</sup>

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<sup>166</sup> Maundi et al. 2006, 81.

<sup>167</sup> Ibid, 82.

<sup>168</sup> Villa-Vicencio, Nantulya & Savage 2005, 3-4.

<sup>169</sup> International Crisis Group, “Conflict history: Burundi.” 2006a. [Online]. Available: [http://www.crisisgroup.org/home/index.cfm?action=conflict\\_search&l=1&t=1&c\\_country=20](http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c_country=20) [15 April 2008].

<sup>170</sup> Roger Southall, “A Long Prelude to Peace: African Involvement in Ending Burundi’s War,” in *Ending Africa’s Wars. Progressing to Peace*, eds. O. Furley & R. May (Aldershot, England; Burlington, VT: Ashgate, 2006), 201.

<sup>171</sup> BBC 2008.

<sup>172</sup> International Crisis Group, “Burundi: Finalising Peace with the FNL,” *Africa Report No. 131*, 27 August 2007. [Online]. Available: [http://www.crisisgroup.org/library/documents/africa/central\\_africa/131\\_burundi\\_finalising\\_peace\\_with\\_the\\_fnl.pdf](http://www.crisisgroup.org/library/documents/africa/central_africa/131_burundi_finalising_peace_with_the_fnl.pdf) [15 August 2008], 1.

## 2. The principle of all-inclusiveness

The following chapter examines the issue of participation in the Arusha peace process. The first part gives a background to the Arusha process and sets out how the parties to the conflict in Burundi were considered in relation to the question of participation. As various mediators were involved in the Burundian peace process, the chapter next considers the question of participation according to three different phases of the peace process:

1. The phase led by former president of Tanzania, Julius Nyerere;
2. The phase under former president of South Africa, Nelson Mandela;
3. The post-Arusha process, led by the South African government, in which former deputy president Jacob Zuma had a central role.

On this basis, the questions raised in the analytical framework are answered when applicable, in order to identify lessons from the Burundian experience for the question of participation and the principle of all-inclusiveness.

### 2.1 The central parties – foundations for the Arusha process

From the spark of the current phase of the conflict in 1993, Burundi received attention from various actors seeking to initiate dialogue between the groups involved.<sup>173</sup> One of the central developments in the immediate period after the outbreak of violence was the appointment of the Special Representative of the United Nations Secretary General, Ahmedou Ould-Abdallah. He facilitated talks between the political parties, which led to the appointment of Cyprian Ntaryamira as President in January 1994.<sup>174</sup> New negotiations were initiated when Ntaryamira was killed, and 13 parties took part in this process which culminated in the Convention of Government.<sup>175</sup> The involved parties

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<sup>173</sup> Maundi et al. 2006, 66-67.

<sup>174</sup> The plane crash on 6 April 1994 killed both the Burundian president Ntaryamira and president Juvénal Habyarimana of Rwanda. United Nations, "Report of the Secretary-General on the Situation in Burundi," *United Nations Security Council (S/1994/1152)*, 11 October 1994. [Online]. Available: <http://daccessdds.un.org/doc/UNDOC/GEN/N94/392/56/PDF/N9439256.pdf?OpenElement> [15 August 2008], 2.

<sup>175</sup> All of these, except for PARENA, were signatories to the agreement. Seven of the 13 parties were represented in the coalition government. Ibid, 5.

included UPRONA, FRODEBU and other political parties,<sup>176</sup> but armed groups were not included in the talks.<sup>177</sup> As violence continued and Buyoya returned to power, regional and international interventions followed. In these engagements, warring parties were seen as crucial for bringing the peace process forward, based on the understanding that establishing a multi-party political system would be necessary.<sup>178</sup> A condition for the lift of sanctions was therefore that the Buyoya regime negotiated also with “the armed groups inside and outside the country”.<sup>179</sup> Accordingly, an UNESCO<sup>180</sup> initiated Peace Conference in Paris in October 1997 saw the participation of almost all parties as well as armed factions, excluding FRODEBU.<sup>181</sup>

By the time the Arusha peace process got underway in 1998, events and developments in the conflict had brought about an understanding of who the central parties to the conflict and hence relevant participants to the peace process were. 13 political parties had taken part in the talks leading to the Convention of Government but since then, significant changes in the landscape of actors had taken place and it was increasingly argued that the armed groups had to be included in the peace efforts. Essentially, as the Convention of Government broke down and Buyoya became President, the conflict's main actors had shifted from being the political parties to the armed groups. Consequently, “[a]lthough the major antagonistic political parties, UPRONA and FRODEBU, were still in the picture, the effective movers of the conflict were the army and the major militant armed group, the CNDD/FDD”. The following is an overview of the central parties and their support base:

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<sup>176</sup> The participating parties were ABASA (Alliance burundo-africaine pour le salut), ANADDE (Alliance nationale pour le droit et le development), INKINZO Y'IGAMBO RY 'ABARUNDI (Parti d'opposition), PARENA (Parti pour le redressement national), PBS (RPB) (Rassemblement du peuple burundais), PIT (Parti independant des travailleurs, PL (Parti liberal), PP (Pardi du peuple), PRP (Parti pour la reconciliation du Peuple), PSD (Parti social democrate), RADDES (Ralliement pour la democratie et le developpement economique et social). The following six parties did not obtain seats in the transitional coalition government: ANADDE, PRP, PSD, ABASA and PARENA (the latter as it did not sign the agreement). Ibid, 11.

<sup>177</sup> Maundi et al. 2006, 74.

<sup>178</sup> International Crisis Group 1998, 1.

<sup>179</sup> Maundi et al. 2006, 77.

<sup>180</sup> United Nations Educational, Scientific and Cultural Organization

<sup>181</sup> International Crisis Group 1998, 7.

## Central parties<sup>182</sup>

### **UPRONA**

*Union Pour le Progrès National*

Tutsi-dominated nationalist political party, established just before independence and initially then led by Prince Louis Rwagasore, who was central in the fight for independence and who was killed in October 1961. UPRONA was the state party 1966-1993. The party split in October 1998 over the question of participation in the Arusha negotiations, fronted by Charles Mukasi (anti-negotiation wing) and Luc Rukingama (pro-negotiation wing). The party was supported by the army.<sup>183</sup>

### **FRODEBU**

*Front pour la Démocratie au Burundi*

Hutu-dominated political party that existed since 1992 and won the vote in the first presidential elections in 1993. Led by Jean Minani (external wing) and Augustin Nzojibwami (internal wing).<sup>184</sup>

### **CNDD**

*Conseil National pour la Défense de la Démocratie*

Hutu-dominated group, founded and led by Léonard Nyangoma in 1994, which was one of the founders of FRODEBU and Minister of Interior in Ntaryamira's government in 1994.<sup>185</sup>

### **CNDD-FDD**

*Armed wing Forces pour la Défense de la Démocratie*

Initially the armed wing of CNDD, the group led by Jean-Bosco Ndakengurukiye split from CNDD just before the first round of talks at Arusha.<sup>186</sup> In October 2001, a faction of the CNDD-FDD rejected Ndayikengurukiye's leadership based on a disagreement about whether to engage in negotiations, and a splinter group called **National Circle of Patriots** (FDD-CNP) was formed with Jean-Pierre Nkurunziza as its leader.<sup>187</sup>

### **PALIPEHUTU**

*Parti pour la Libération du Peuple Hutu*

Extremist Hutu party established in 1980 by Rémy Gahutu and since 1990 led by Etienne Karatasi.<sup>188</sup> The party was founded by Burundian refugees in Rwanda in the late 1970s.<sup>189</sup>

<sup>182</sup> FDD is often used as an acronym for the CNDD-FDD, and similarly, the PALIPEHUTU-FNL is also termed FNL. These terms have been left unchanged in direct quotes.

<sup>183</sup> International Crisis Group 2000 International Crisis Group, "The Mandela Effect. Prospects for Peace in Burundi," *Africa Report No. 13*, 18 April 2000. [Online]. Available: [http://www.crisisgroup.org/library/documents/report\\_archive/A400206\\_18042000.pdf](http://www.crisisgroup.org/library/documents/report_archive/A400206_18042000.pdf) [15 August 2008], Appendix A.

<sup>184</sup> Ibid.

<sup>185</sup> Ibid.

<sup>186</sup> International Crisis Group 2000, 30.

<sup>187</sup> International Crisis Group, "The Burundi Rebellion and the Ceasefire Negotiations," *Africa Briefing*, 6 August 2002. [Online]. Available: [http://www.crisisgroup.org/library/documents/africa/central\\_africa/burundi\\_rebels\\_020805\\_corrected.pdf](http://www.crisisgroup.org/library/documents/africa/central_africa/burundi_rebels_020805_corrected.pdf) [15 August 2008], 10.

<sup>188</sup> Gérard Prunier, *Congo, the Rwandan genocide, and the making of a continental catastrophe* (Oxford, New York: Oxford University Press, 2009), 59.

<sup>189</sup> International Crisis Group 2000, Appendix A.

<sup>190</sup> Prunier 2009. 59.

<sup>191</sup> Boshoff, & Vrey 2006.

## **PALIPEHUTU-FNL**

### *Forces Nationales de Libération*

Due to disagreements within PALIPEHUTU on whether to support President Ndadaye, where radical elements did not approve of Ndadaye's policies to promote ethnic coexistence, Kabura Kossan, who was the military chief of PALIPEHUTU, broke away and formed his own party, PALIPEHUTU-FNL in 1993.<sup>190</sup> Agathon Rwasa replaced Kabura as a leader in 2001. A group led by Alain Mugabarabona broke away from PALIPEHUTU-FNL in 2002 following disagreements between the pro-negotiation and anti-negotiation factions. PALIPEHUTU-FNL of Rwasa also had further defections.<sup>191</sup>

## **Support base**

Together with the army, UPRONA represent the Tutsi. FRODEBU, CNDD and its armed wing CNDD-FDD represent the Hutu population. PALIPEHUTU and PALIPEHUTU-FNL are understood as more extremist Hutu parties.<sup>192</sup>

For the Tutsi controlled army and UPRONA, "numerical weakness must be counterbalanced by their dominance in all spheres of public life as the only way to guarantee their survival".<sup>193</sup> For the Hutu FRODEBU and CNDD-FDD, on the other hand, the issue at stake is a problem of ethnic exclusion. The assassination of Ndadaye was seen as a missed opportunity for inclusion and participation in national institutions, and instead "interpreted as an effort to wipe them physically off the map".<sup>194</sup>

## **2.2 Participation in the Arusha process**

The first round of the Arusha peace process took place between the 15<sup>th</sup> and the 21<sup>st</sup> of June 1998 with Nyerere as mediator, and 17 parties from Burundi participated in the talks. Central participants were the Government of Burundi, the National Assembly, FRODEBU, UPRONA, CNDD, PALIPEHUTU, FROLINA and PARENA. Other parties present were the PL, PIT, PSD, ABASA, INKINZO, AVINTWARI and PRB.<sup>195</sup> Also civil society and women's and youth organisations were represented.<sup>196</sup> The military took part "as part of

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<sup>192</sup> Maundi et al. 2006, 63.

<sup>193</sup> Ibid, 64.

<sup>194</sup> Ibid, 65.

<sup>195</sup> The full names of the parties are: FRODEBU (Front pour la Démocratie au Burundi), UPRONA (Union Nationale Pour le Progrès), CNDD (Conseil national pour la Défense de la Démocratie), PALIPEHUTU (Parti pour la Libération du Peuple Hutu), FROLINA (Front our la Libération Nationale), PARENA (Parti pour le Redressement National), PL (Parti Libéral), PIT (Parti Indépendent pour les Travailleurs), PSD (Parti pour la Socio-Démocratie), ABASA (Alliance Burundo-Africaine pour le Salut), INKINZO Y'IGAMBO RY 'ABARUNDI (Parti d'opposition), AV-INTWARI (Alliance Nationale pour le Droit et le Développement Economique), and PBS/RPB (Rassemblement du peuple burundais). See United Nations 1994, 11.

<sup>196</sup> International Crisis Group, "Burundi's Peace Process. The Road from Arusha." *ICG Burundi Report No. 2*, 20 July 1998a. [Online]. Available:

[http://www.crisisgroup.org/library/documents/report\\_archive/A400219\\_20071998.pdf](http://www.crisisgroup.org/library/documents/report_archive/A400219_20071998.pdf) [3 October 2007], 1-2.

UPRONA or the government delegation” and was further drawn in as consultants on specific areas of the process.<sup>197</sup> The CNDD, PALIPEHUTU, FROLINA and PARENA were not part in the previous Convention but participated in the Arusha talks,<sup>198</sup> and besides Burundian parties, actors from the United Nations, European Union, United States of America, Canada, Organization of African Unity, Switzerland and the religious community of Sant’Egidio were present.<sup>199</sup> According to the International Crisis Group (ICG), participation in the negotiations was a significant achievement in itself, as it was the first time most of the parties to the Burundian conflict were present at negotiations, and “proved that the idea of negotiations had taken hold with them all”.<sup>200</sup> Despite a broad participation of actors, however, the armed groups PALIPEHUTU-FNL and CNDD-FDD did not participate at Arusha.<sup>201</sup>

### **2.2.1 Participation under Nyerere**

Nyerere’s approach to the participation of the armed groups has been a topic of discussion amongst experts on the Burundi peace process. From one perspective, Nyerere sought to include the armed groups but failed to do so as the armed groups and their political factions split. Southall argues that “attempts to make the talks fully inclusive fell down when early efforts to bring in significant groups failed”, and suggests that the problems with bringing the parties on board were essentially related to the parties themselves.<sup>202</sup> Both the CNDD and the PALIPEHUTU had internal schisms with their armed factions, the CNDD-FDD and the PALIPEHUTU-FNL respectively, and this naturally complicated the question of participation. The CNDD-FDD had months before the first talks in Arusha rejected Léonard Nyangoma as its president and instead appointed Jean-Bosco Ndiyikengurukiye, who had been leading its military operations. The rejection of Nyangoma as a valid representative was reiterated just days before the talks started.<sup>203</sup> Also the PALIPEHUTU-FNL had split from their political faction before Arusha.<sup>204</sup>

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<sup>197</sup> Patricia Daley, “The Burundi Peace Negotiations: An African Experience of Peace-making,” *Review of African Political Economy* 112 (2007), 341.

<sup>198</sup> International Crisis Group 2000, 11.

<sup>199</sup> Daley 2007, 343.

<sup>200</sup> International Crisis Group 1998a, 1.

<sup>201</sup> Daley 2007, 341.

<sup>202</sup> Southall 2006, 207.

<sup>203</sup> International Crisis Group 1998a, 6.

<sup>204</sup> Bentley & Southall 2005, 64.

Nyerere saw four options to the problem presented by the splits between the armed and political factions. One was that the leaders of the armed factions join the political faction and accept the old leadership. A second option was that the new leaders replace the ones already participating, then “as leaders of their parties according to their parties’ constitutions, and attend the talks in those elected capacities”.<sup>205</sup> The third option was for the new leaders to be included as representatives of new parties. A fourth option was also considered, namely that the CNDD-FDD joined the Government delegation in the peace talks.<sup>206</sup> It has been suggested that Nyerere suspected that the Government sought to find agreement with Ndiyikengurukiye and the CNDD-FDD as a way to avoid the political negotiations.<sup>207</sup> Such an option would consequently ensure that the negotiations continued. It should also be noted that the Burundian army seemed more willing to cooperate with Ndiyikengurukiye as a leader than with Nyangoma.<sup>208</sup>

Despite Nyerere’s four suggestions, a deadlock presented itself as the both armed and political groups claimed to be legitimate representatives. One problem was that in addition to the political factions, other parties included in the process objected to the leaders of the armed factions being recognised. Rules of conduct had been agreed to that “expressly forbade” changes in representatives.<sup>209</sup> Without finding a solution to the deadlock, Nyerere eventually “chose to recognize the existing leadership and to exclude those who had turned against them.”<sup>210</sup>

Tanzanian officials have argued that the CNDD-FDD and the PALIPEHUTU-FNL excluded themselves by rejecting Nyerere’s options.<sup>211</sup> To include the armed groups without the support from the CNDD and PALIPEHUTU “would have invited to a walk out from the

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<sup>205</sup> Ibid.

<sup>206</sup> It should be noted that Mthembu-Salter only mentions three options offered by Nyerere. Also, Bentley & Southall’s account of the fourth option differs from the one presented by the ICG. Bentley & Southall suggest that the option was to arrange discrete talks, and the ICG argues that Nyerere offered this option as a response to the contact that already was established between the Government and the CNDD-FDD. See Bentley & Southall 2005, 69, International Crisis Group 2000, 15 and Gregory Mthembu-Salter, “Mediation and Genocide in Rwanda. Burundi’s Peace Agreement without Peace,” *Track Two* 5 & 6 (2002). [Online]. Available: [http://ccrweb.ccr.uct.ac.za/archive/two/11\\_56/](http://ccrweb.ccr.uct.ac.za/archive/two/11_56/) [15 August 2008].

<sup>207</sup> International Crisis Group 2000, 15.

<sup>208</sup> International Crisis Group 1998a, 7.

<sup>209</sup> Mthembu-Salter 2002.

<sup>210</sup> Southall 2006, 207.

<sup>211</sup> Mthembu-Salter 2002.

talks” by the latter, according to Bentley & Southall.<sup>212</sup> The other parties involved in the peace process also affected Nyerere's response, as Lemarchand indicates that the decision not to include the armed groups was influenced by pressure from the Tutsi parties.<sup>213</sup> The rules of conduct referred to above could have been a foundation for such a pressure from the Tutsi parties, and contributed to the difficult situation Nyerere found himself in.<sup>214</sup> Consequently, both the Hutu parties and the Tutsi parties would have problems with the armed groups being included, which strengthens the impression that deciding to exclude the armed groups was based on the judgement that excluding the parties would give have less negative effects than if the groups were included.<sup>215</sup>

An alternative perspective suggests that Nyerere was influenced by his personal views on the armed groups and that this made him less open to recognising them as valid representatives.<sup>216</sup> Tutsi delegates have argued that “Nyerere wanted the FDD and FNL to stay out so that the war could continue, which would thereby keep up the pressure on the Tutsi military establishment”.<sup>217</sup> According to Daley, the exclusion of the armed groups was based on a decision by Nyerere to refuse “to acknowledge leaders who ‘gained power by force’”.<sup>218</sup> Also Van Eck suggests that the armed groups “were excluded in spite of their requests to be included”.<sup>219</sup>

There are consequently conflicting perspectives on why the armed groups were not included in the peace process in the phase led by Nyerere, and the decision to continue the peace process with the political factions and exclude the armed groups has been both criticised and supported. A number of dimensions have been raised as important: the concern of a walk-out of other Hutu parties, resistance from Tutsi parties, rules of conduct already having been agreed upon, Nyerere’s views of the armed groups and their leadership, as well as the importance of sustaining the pressure on the army to ensure the continuation of peace talks. On the one hand, it is argued that Nyerere's

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<sup>212</sup> It is also suggested that such a move would promote further splintering, which is an issue that will be dealt with in a subsequent chapter. Bentley & Southall 2005, 64.

<sup>213</sup> Lemarchand 2006, 50.

<sup>214</sup> Mthembu-Salter 2002.

<sup>215</sup> Bentley & Southall 2005, 64-65.

<sup>216</sup> Claims have been made that Nyerere even sought to promote divisions within the CNDD-FDD and had problems with recognizing Ndayikengurukiye as a leader of the FDD. Ibid, 69.

<sup>217</sup> Mthembu-Salter 2002.

<sup>218</sup> Daley 2007, 341.

<sup>219</sup> Van Eck 2007, 116.

decision was informed by his personal perceptions of the armed groups. Southall on the other hand suggests that Nyerere did not intentionally exclude the CNDD-FDD and PALIPEHUTU-FNL,<sup>220</sup> an argument that is supported by Maundi et al. and the ICG.<sup>221</sup> Most accounts indicate that Nyerere initially wanted the armed groups to participate, but chose to recognise the political leadership when faced with the dilemma.

### **2.2.2 Participation under Mandela**

Nyerere died in October 1999, and Nelson Mandela of South Africa was appointed mediator in December of that year. In the meantime, the need for the armed groups to participate in the peace process was repeatedly stressed. In a debate in the United Nations Security Council on the situation in Burundi in 1999, also the Burundian government underlined the need for the participation of the armed groups, and claimed they “had persistently advocated inclusive negotiations”.<sup>222</sup> The Security Council commended the government and other parties for being committed to negotiations, and called upon the parties outside the process to end the use of violence and participate in the peace process.<sup>223</sup>

Mandela’s mediation approach was different to Nyerere’s. Mandela was vocal and challenged all parties, and was consequently regarded as fair but tough.<sup>224</sup> He was concerned with bringing the process to an end as soon as possible and hence stepped up the pressure on the parties.<sup>225</sup> Significantly, Mandela sought to include the armed groups in the peace process, and two reasons explain Mandela's approach to the question of participation of the armed groups.<sup>226</sup> His stance was first of all influenced by his experiences from the South African peace process, and secondly, the exclusion of the CNDD-FDD and the PALIPEHUTU-FNL was increasingly seen as a serious flaw of the

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<sup>220</sup> Southall 2006, 207.

<sup>221</sup> Maundi et al. 2006, 75 and International Crisis Group 1998, 4.

<sup>222</sup> United Nations, “Burundi situation ‘precarious’, steps needed to strengthen peace process Security Council told during day-long debate on crisis,” Press Release SC/6753, 12 November 1999. [Online]. Available: <http://www.un.org/News/Press/docs/1999/19991112.sc6753.doc.html> [15 August 2008].

<sup>223</sup> It is interesting to note the focus was on encouraging the parties to participate, rather than a process that would facilitate such participation. United Nations, “Security Council calls on parties to end violence in Burundi, pursue negotiation; Murder of United Nations personnel is condemned.” Press Release SC/6754, 12 November 1999. [Online]. Available: <http://www.un.org/News/Press/docs/1999/19991112.sc6754.doc.html> [15 August 2008].

<sup>224</sup> Bentley & Southall 2005, 72.

<sup>225</sup> International Crisis Group 2000, i.

<sup>226</sup> Filip Reyntjens, “Briefing: Burundi: A Peaceful Transition after a Decade of War?” *African Affairs* 105, 418 (2005), 118.

peace process, and their participation was considered to be necessary to bring about lasting peace.<sup>227</sup>

The South African team made continued efforts to meet with the armed groups after Mandela took over as mediator, but faced several challenges in this process. At a regional summit in February 2000, the PALIPEHUTU-FNL was “prevented from travelling by the Tanzanian authorities on grounds that it did not have the official documents (...). As for the FDD delegation, it claimed to have a transport problem. A plane was then sent to them from South Africa, but they did not turn up at the airport”.<sup>228</sup> This suggests that there was resistance both among the parties already participating in the process as well as reluctance to join among the excluded parties.

The regional dimension of the conflict further complicated the process of bringing the parties in. It has been suggested that the CNDD-FDD were “hostages of Kabila and his allies” and expected to participate in the war in the DRC.<sup>229</sup> The CNDD-FDD was consequently thought to be awaiting the developments in the DRC before committing to the Burundian peace process. The complex nature of the regional problem again raised discussion about whether the peace process should go on without the CNDD-FDD.

A dialogue with the armed groups did eventually materialise. After strong pressure, Mandela met with CNDD-FDD leader Ndayikengurukiye in March 2000.<sup>230</sup> The CNDD-FDD stated willingness to participate in the Arusha process, on the condition that political prisoners were released and that regroupment camps were closed.<sup>231</sup> Also the PALIPEHUTU-FNL agreed in principle to engage in negotiations.<sup>232</sup> A meeting between Buyoya and leaders of the parties took place in South Africa in July 2000.<sup>233</sup> Mandela did not succeed in including the parties, however, and eventually decided to push the process forward without the groups’ participation.

The CNDD-FDD and the PALIPEHUTU-FNL were therefore not parties to the Arusha accord, which was signed in August 2000, and the situation was consequently a peace

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<sup>227</sup> Bentley & Southall 2005, 73.

<sup>228</sup> International Crisis Group 2000, 28.

<sup>229</sup> Ibid.

<sup>230</sup> Ibid, 32.

<sup>231</sup> Ibid, 27-28.

<sup>232</sup> Bentley & Southall 2005, 73.

<sup>233</sup> Ibid.

agreement without an end to hostilities.<sup>234</sup> Southall claims that by opening for their participation, the armed groups lost recognition and “enhanced the legitimacy of the subsequent Accord”.<sup>235</sup> For the agreement to last, however, a ceasefire with the armed groups was understood to be necessary.

### **2.2.3 Participation in the post-Arusha phase**

Mandela initially believed he could find agreement with the armed groups in the time period between the signing of the Arusha accord and the beginning of the transitional period. CNDD-FDD and PALIPEHUTU-FNL however “rejected the Arusha accord from which they had been excluded and demanded the reopening of negotiations.”<sup>236</sup> Attempts to establish peace talks between the government and the armed groups continued by then deputy president of South Africa, Jacob Zuma, and significant pressure was put on the CNDD-FDD and the PALIPEHUTU-FNL to enter ceasefire agreements.<sup>237</sup>

The process of bringing the parties onboard after the signing of the Arusha Agreement has been described as “one of bewildering complexity, characterized by broken promises, violated cease-fires, and continuing war between rebel groups and the transitional government which continued to bring untold misery to the population”,<sup>238</sup> and factionalism and splintering within the armed groups further complicated their participation in the peace process.<sup>239</sup> After numerous meetings, ceasefire agreements were reached with the CNDD-FDD faction of Ndayikengurukiye and PALIPEHUTU-FNL led by Mugabarabona in October 2002. Later the same year, CNDD-FDD of Nkurunziza also entered talks with the transitional government. A year of negotiations combined with military activity followed, eventually culminating in the Global Ceasefire Agreement

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<sup>234</sup> Reyntjens 2005, 118.

<sup>235</sup> Southall 2006, 207.

<sup>236</sup> International Crisis Group, “Burundi: Neither War nor Peace.” ICG Africa Report No. 25. 1 December 2000a. [Online]. Available: [http://www.crisisgroup.org/library/documents/report\\_archive/A400267\\_01122000.pdf](http://www.crisisgroup.org/library/documents/report_archive/A400267_01122000.pdf) [15 August 2008], 29-30.

<sup>237</sup> Mthembu-Salter 2002.

<sup>238</sup> Southall 2006, 209.

<sup>239</sup> Ibid, 210.

between the transitional government and the CNDD-FDD of Nkurunziza in November 2003. PALIPEHUTU-FNL of Rwaswa still rejected the talks.<sup>240</sup>

PALIPEHUTU-FNL of Rwaswa did not enter substantial negotiations with the transitional government despite being increasingly marginalised from 2004 onwards.<sup>241</sup> The transitional period ended and elections were held in 2005, in which the CNDD-FDD of Nkurunziza won both the parliamentary and communal elections, and Nkurunziza was elected president.<sup>242</sup> Negotiations between the government and PALIPEHUTU-FNL of Rwaswa eventually began in June 2006, and culminated in a ceasefire agreement as a result of international pressure. The parties did not succeed at implementing this agreement, and violence flared up. In June 2008, the parties signed the Magaliesburg agreement in South Africa, where commitments were made to find a political solution to the conflict and the parties “reached an understanding on recognition of the rebel movement as a political party and on the integration of its combatants into government forces”.<sup>243</sup> The assembly of combatants began 12 July 2008, but negotiations over the disarmament, disarmament and reintegration process have since continued. By March 2009, a request that PALIPEHUTU-FNL's changes its name in order to register as a political party remained an outstanding issue.<sup>244</sup>

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<sup>240</sup> International Crisis Group, “End of Transition in Burundi. The Home Stretch.” ICG Africa Report No. 81. 5 July 2004. [Online]. Available: [http://www.crisisgroup.org/library/documents/africa/central africa/081 fin de transition au burundi en.pdf](http://www.crisisgroup.org/library/documents/africa/central%20africa/081_fin_de_transition_au_burundi_en.pdf) [15 August 2008], 2.

<sup>241</sup> Increasing isolation led to the PALIPEHUTU-FNL of Rwaswa meeting with president Ndayizeye in January 2004, according to Southall 2006, 214. In mid-2004, the group was seriously weakened after confrontations with the “new integrated high command of the Burundi army (FAB) and the FDD” and declared a unilateral truce in April 2004. See International Crisis Group 2004, i. Violence did not end, however, and in August of the same year, PALIPEHUTU-FNL of Rwaswa took part in an attack on Gatumba, in which some 160 refugees were killed. See Southall 2006, 216.

<sup>242</sup> International Crisis Group, “Democracy and Peace at Risk.” Africa Report No. 120. 30 November 2006. [Online]. Available: [http://www.crisisgroup.org/library/documents/africa/central africa/120 burundi democracy and peace at risk.pdf](http://www.crisisgroup.org/library/documents/africa/central%20africa/120_burundi_democracy_and_peace_at_risk.pdf) [15 August 2008], 1.

<sup>243</sup> International Crisis Group, “Burundi: Restarting Political Dialogue.” Crisis Group Africa Briefing No. 53. 19 August 2008. [Online]. Available: [http://www.crisisgroup.org/library/documents/africa/central africa/b53 burundi restarting political dialogue en translation.pdf](http://www.crisisgroup.org/library/documents/africa/central%20africa/b53_burundi_restarting_political_dialogue_en_translation.pdf) [15 August 2008], 10.

<sup>244</sup> IRIN News, “Burundi: Name change to help legalise rebel party” *IRIN News*, 13 January 2009. [Online]. Available: <http://www.irinnews.org/Report.aspx?ReportId=82334> [15 March 2009].

## 2.3 Response to questions

- *How is an all-inclusive process defined?*

The different approaches taken in the Burundian peace process shows that the process was not based on a specific definition of all-inclusiveness, and does therefore not contribute to a clear understanding or definition of the concept.

- *Does an all-inclusive process include absolutely all parties, or is some judgement made as to what parties are considered relevant?*

It is evident that the way in which the question of participation was handled changed throughout the peace process. Significantly, only political parties participated in the process leading to the Convention of Government, but as the armed groups took a more prominent role, it was increasingly argued that they needed to be included in the peace process. Essentially, the understanding of who should be included changed as new groups became the main movers of the conflict.

Despite the armed groups being the central actors in the conflict, they did not take part in the first talks at Arusha. It is unlikely that Nyerere deliberately sought to exclude the armed groups from the negotiations, but he did also not ensure their participation from the onset. Calls for the inclusion of the armed groups from other countries in the region were in other words ignored, but when the parties split from their political factions, Nyerere was forced to address the question of participation. By the time Mandela took over as a mediator, it was clear that the armed groups could not be disregarded, and efforts were made at bringing the parties in. Clearly, no principle of all-inclusiveness was applied in the peace process in Burundi.

Considerations as to what parties were seen as relevant for the success of the peace process did influence the decisions made regarding participation. Attempts to include the armed groups were only initiated when they were understood to be significant players in the peace process, and especially when they split with their political factions. Later, as their use of violence was stepped up, it was seen as crucial to bring the parties onboard.

Based on the Burundian experience, should a principle of all-inclusiveness apply, or is it more useful to decide on participation based on an assessment of who the relevant

parties are? The question raised is further complicated when considering the talks taking place before the Arusha process got underway. In the talks culminating in the Convention of Government, only the political parties were present. On the one hand, one can with hindsight ask if the armed groups should have been included in the Convention of Government, simply because they became significant players at a later stage. On the other hand, the CG was essentially aiming to solve a political crisis and establish a coalition government, and it is arguably natural that only political parties were included.

As soon as the CG broke down and violence flared up, however, it was suggested that the armed groups had to be included in the peace process. In spite of this, the armed groups were not included in the mediation efforts led by Nyerere. With hindsight, Nyerere's assessment can be questioned, as it later became clear that the armed groups could not be ignored, and Mandela consequently sought to bring the parties in. To base the participation of parties on an assessment of what parties are relevant to the process seems appropriate in the Burundian case.

- *Does all-inclusiveness mean the participation of armed groups as well as political groups?*

In the case of Burundi, the question has a complex answer. As outlined above, the armed groups did not take part in the initial agreements leading up to the Arusha peace process, and neither in the first phase of the Arusha process led by Nyerere. Only when the armed groups became the central actors in the conflict was the question of their inclusion raised, and the issue of the participation of the armed groups remained a challenging one throughout the peace process. Under the auspices of Nyerere, the split between armed and political factions raised significant questions. One of these was the dilemma of whether to include the armed groups and risk the walk-out of the political groups, or move the process forwards with the political groups, who already were participants, and exclude the armed groups. As Mandela took over as mediator it had become increasingly evident that the armed groups had to be included in the peace process. The lack of all-inclusiveness was perceived as a serious flaw of the process and their participation was understood as central for lasting peace to be found, but despite Mandela attempt to include the armed groups in the peace process, this turned out to be difficult to achieve. The parties presented demands for their participation and despite a stated willingness to participate, Mandela did not succeed in bringing the armed groups

in and eventually decided to continue without them. The warring parties in the conflict were therefore not participating in the peace process in the phase with Mandela as a mediator, despite his stated intention to include them. The efforts to bring in the armed groups continued in the post-Arusha phase. Negotiations were initiated but were repeatedly interrupted and often combined with military activity, an factionalism and splintering of the remaining armed groups further complicated the process.

Three important aspects regarding inclusion of armed groups can be highlighted from the Burundian experience. First, all-inclusiveness, or a broad participation of actors, can be called for, without a clear definition of what it entails. Second, it is evident that there may be practical problems preventing a principle of all-inclusive from being applied. Despite attempting to include the armed groups, neither Nyerere nor Mandela succeeded in bringing the parties in. Third, the central considerations in the peace process in Burundi were based on an understanding of who the central actors in the conflict were, and who were the parties who had to participate for the process to move forwards. In conclusion, decisions regarding the participation of armed groups were based on pragmatic considerations rather than a principle of all-inclusiveness with a defined meaning. The principle of all-inclusiveness is evidently more complex than suggested in the literature.

### 3. Violence

The analytical framework presents a series of questions regarding the use of violence and participation in peace processes. It could arguably be problematic to include parties who are responsible for grave violations, and on this basis questions whether one should negotiate with such groups, but this does not present a serious challenge to the principle of all-inclusiveness. It is emphasised in the literature that parties who are able to hinder a peace process from succeeding by using violence must be included in the peace process, based on the assumption that violence will derail the peace process, and that inclusion of the relevant party will prevent this from happening. The following section examines lessons from the Burundian peace process with particular attention to participation and the use of violence. First, a general examination of the use of violence during the peace process is presented, before the specific questions raised are discussed.

#### 3.1 Violence during the Arusha negotiations

In the Burundian peace process, exclusion of the armed groups had significant effects on their use of violence. Violence was stepped up as the Arusha peace process moved on and the stakes were raised, and especially after June 1999, violent attacks increased noticeably. According to Daley, the armed groups that were excluded from the Arusha process “made themselves significant players in less than one year. From June 1999 to January 2000 they became a force to be reckoned with if peace was to be achieved”.<sup>245</sup>

Both the PALIPEHUTU-FNL and the CNDD-FDD used violence to signal their dissatisfaction with being excluded from the peace process, and show their defiance against accepting a document they had not been negotiating,<sup>246</sup> and the use of violence continued to be a “tactical move” as the negotiations progressed.<sup>247</sup> In addition to military activities, all the armed groups ran recruitment campaigns in refugee camps as the peace process came closer to a conclusion, in order to enhance their position “before negotiating their integration into the army”.<sup>248</sup> Changes in tactics were also observed. As

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<sup>245</sup> Daley 2007, 344.

<sup>246</sup> International Crisis Group, “Burundi: Breaking the Deadlock. The Urgent Need For A New Negotiating Framework.” Africa Report No. 29. 14 May 2001. [Online]. Available: [http://www.crisisgroup.org/library/documents/africa/central africa/029\\_burundi breaking the deadlock.pdf](http://www.crisisgroup.org/library/documents/africa/central%20africa/029_burundi_breaking_the_deadlock.pdf) [15 August 2008], 2.

<sup>247</sup> International Crisis Group 2000, 31.

<sup>248</sup> Ibid.

the peace process continued, armed groups launched “attacks on the capital (...) and military positions with the aim of creating a siege mentality among the inhabitants of Bujumbura”.<sup>249</sup> One example of this strategy is the assassination of two UN personnel and seven Burundians in October 1999. In sum, the use of violence changed in relation to developments in the peace process, and as the armed groups were not seen as central participants in the initial stages of the peace process, but came to be perceived as such, there is no doubt that that the parties made themselves important to the peace process through the use of violence.

### **3.2 Violence in the post-Arusha phase**

Violence continued in the period after the Arusha Peace and Reconciliation Agreement was signed on 28 August 2000. Indeed, the military pressure was stepped up the day after the accord was signed,<sup>250</sup> and within months of the signing of the accord, the situation was described as one of war between governmental troops the PALIPEHUTU-FNL and the CNDD-FDD, affecting most parts of the country.<sup>251</sup> The high levels of violence were paralleled by ongoing efforts towards finding ceasefire agreements with the armed groups, and violence was the remaining groups’ tool to signal that were unwilling to accept the Arusha Agreement because due to their exclusion from the negotiation process. The violence was moreover interpreted as defiance against sanctions issued in 2000 and finally, the violence still sought to state the importance of the armed groups for the survival of the peace process, as a way to enhance their positions.<sup>252</sup>

The increase in violence deteriorated the humanitarian situation and also affected the peace process. The political landscape became more fragmented with increasingly rigid positions,<sup>253</sup> and due to the state of war in most parts of the country, it became evident that the parties had to be included in order to bring about lasting peace. Most importantly, by using violence, the armed groups clearly indicated that their cooperation was essential for the success of the peace process.

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<sup>249</sup> Ibid, 32.

<sup>250</sup> International Crisis Group 2001, 1.

<sup>251</sup> Ibid.

<sup>252</sup> Ibid, 2.

<sup>253</sup> Ibid.

### 3.3 Response to questions

- *Is avoiding to reward violence an important concern for mediators?*

Accounts of the peace process in Burundi give no indication that the mediators were reluctant to include the armed groups in the peace process because it would imply an unwanted reward for the use of violence. Nyerere's main concern was with the consequences the inclusion of the armed groups would have, in particular the likely walk-out by the political parties. Contrary to displaying a concern for possible negative effects of including the armed groups, Mandela actively sought to include them in the process after he took over as mediator. In sum, it seems that pragmatic concerns were prominent in the decision-making regarding the participation of armed groups in the peace process.

- *Does including a party prevent it from hindering a peace process' progress?*

The Burundi peace process shows that there is no automatic link between including a party and a reduced ability or willingness to hinder the peace process. On the contrary, as pressure put on the parties to participate, their position seemed to have been strengthened. As a result, negotiations were ongoing while the violence continued.<sup>254</sup>

- *When does the use of violence hinder the progress of a peace process?*

In the case of Burundi, the peace process' success was understood to be dependent on the participation of the armed groups because of their use of violence. Despite their initial exclusion, they were eventually brought in, and it is therefore impossible to know if the peace process could have succeeded without accommodating the armed groups in any way. At the period of the Arusha peace process, the use of violence was significant, especially in the period between June 1999 and January 2000, when the armed groups used violence to show their dissatisfaction with being excluded from the process.<sup>255</sup> No accounts do however indicate that the use of violence did in fact represent a serious threat to the peace process' prospects for progress.

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<sup>254</sup> International Crisis Group 2004, 2.

<sup>255</sup> Daley 2007, 344.

With hindsight, it is evident that the use of violence did not hinder the progress of the peace process, as the Arusha agreement was signed in August 2000. The use of violence did however present a significant challenge to the progress of the process in the post-Arusha phase. As outlined above, the use of violence increased shortly after the agreement was signed, and within a few months, the situation was one of war in most parts of the country.<sup>256</sup> It is evident that the situation had serious impacts on the implementation of the Arusha accord, and it became clear that the armed groups had to be accommodated in order to bring about lasting peace.

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<sup>256</sup> International Crisis Group 2001, 1.

## 4. Consequences of exclusion

As discussed in the framework chapter, it is a commonly held belief that parties who are excluded from a peace process will spoil the peace process. It is suggested that the appropriate strategy to deal with spoiling behaviour will depend on whether the party's demands are legitimate or not, but equally relevant, whether the party is able to hinder the peace process from succeeding. Several consequences of exclusion are highlighted, and it is suggested in the literature that parties who are excluded are likely to become extremists. The following section examines the Burundian experience with regards to consequences of excluding a party from a peace process.

### 4.1 Implications of excluding armed groups

Nyerere's decision to move on without the participation of the armed groups was to have significant impacts on the peace process, and six aspects should be highlighted in this regard.

First, the lack of CNDD-FDD and PALIPEHUTU-FNL participation slowed down the progress of the Arusha process.<sup>257</sup> The exclusion of the armed groups and their continued use of violence prolonged the peace process and the armed conflict.<sup>258</sup> Essentially, "the major elements of the FDD and FNL (...) remained at war, at odds with the Arusha process".<sup>259</sup> The most obvious implication of the exclusion of the armed groups was therefore a situation that was described as "neither war nor peace".<sup>260</sup> Due to the "absence of a ceasefire" the Arusha Agreement could not be "backed up by a UN peacekeeping force".<sup>261</sup>

Second, the initial exclusion of the armed groups did essentially increase their bargaining power. Excluded due to their split with their political counterparts, the armed groups were again offered to join two years into the Arusha process, when

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<sup>257</sup> Another element contributing to the lack of progress were the perceptions within the Tutsi delegation of Nyerere being biased. Southall 2006, 207.

<sup>258</sup> Van Eck 2007, 116.

<sup>259</sup> Southall 2006, 207.

<sup>260</sup> International Crisis Group 2000a.

<sup>261</sup> International Crisis Group, "Burundi: One Hundred Days to put the Peace Process Back on Track." *ICG Africa Report No. 33*. 14 August 2001a. [Online]. Available: [http://www.crisisgroup.org/library/documents/africa/central\\_africa/033\\_burundi\\_100\\_days\\_to\\_put\\_the\\_peace\\_process\\_back\\_to\\_track.pdf](http://www.crisisgroup.org/library/documents/africa/central_africa/033_burundi_100_days_to_put_the_peace_process_back_to_track.pdf) [15 August 2008], ii.

Mandela took over as a mediator. The groups first declined to participate and later presented a series of demands as preconditions for their participation.<sup>262</sup> A significant barrier to their participation was that the armed groups “wanted an alternative negotiating process since Arusha neither addressed their major concern, Burundi army reform, nor gave them a seat at the political ‘high table’ through which to push their broader security sector agenda”.<sup>263</sup>

Third, the exclusion of the CNDD-FDD and the PALIPEHUTU-FNL contributed to the growing radicalisation of the groups.<sup>264</sup> The outsiders considered themselves as having a higher moral ground as they held on to the original aims, while those who had signed the Arusha Agreement were seen as sell-outs due to having made compromises.<sup>265</sup> The parties that were included in the Arusha process on the other hand claimed that there was no need to include the outsiders as they shared the same objectives, and the question was in other words framed as one of representativeness by those included in the process. Van Eck suggests, however, that the groups did not have the same demands, and that such claims further increased the armed groups’ reluctance to participate in the peace process.<sup>266</sup>

Forth, the exclusion of the armed groups resulted in a need to redistribute “positions in the institutions” given to those who were already included,<sup>267</sup> a reshuffling that generally positioned Hutu against Tutsi, as the significant Tutsi parties were all included in the Arusha process.<sup>268</sup>

Fifth, the decision to exclude the armed groups from the initial stages of the peace process had serious ramifications for their willingness to enter the process later. At a press conference in July 2001, CNDD-FDD’s Ndayikengurukiye judged the Arusha Agreement to be a total failure as “Buyoya was negotiating with himself, on the other side there was nothing”.<sup>269</sup> In other words, the exclusion from Arusha process prevented the CNDD-FDD from participating even in the Post-Arusha phase. Van Eck similarly

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<sup>262</sup> International Crisis Group 2002, 2.

<sup>263</sup> *Ibid.*

<sup>264</sup> Lemarchand 2006, 50.

<sup>265</sup> Van Eck 2007, 117.

<sup>266</sup> *Ibid.*

<sup>267</sup> *Ibid.*

<sup>268</sup> *Ibid.*

<sup>269</sup> International Crisis Group 2001a, 10.

argues that the decision to move the Arusha process forward without the armed groups “made it even more difficult to bring the FNL to the negotiating table”.<sup>270</sup>

Sixth, the implementation of the peace process is significantly challenged by the fact that the various parties have signed different agreements.<sup>271</sup> Even as the remaining armed groups have all come to agreement with the government and laid down arms, the overall peace process has been affected by the decisions made regarding the participation of the armed groups. The fact that the parties are not committed to the same agreement is central in this regard, and in addition, it has been argued that the legitimacy of the process was seriously undermined by the exclusion of the armed groups.<sup>272</sup>

There is no doubt that the question of inclusion and exclusion was a significant one, and that the decisions made were to have wide consequences for the peace process. The Arusha peace process has been described as “unimpressive to say the least” because of the continued violence and the process being “paralysed by the refusal of the main rebel groups to take part in it”.<sup>273</sup> In a similar vein, Van Eck claims that the agreement was flawed because it did not include central armed groups to the conflict,<sup>274</sup> while ICG suggests that the “main virtue of the signature of the Arusha accord was that it closed a cycle of negotiations, whose formula (i.e. including all the political parties but not the main armed groups) had reached its limits”.<sup>275</sup> Despite its flaws, the peace process should be assessed as Bentley & Southall view it, namely that the Arusha agreement provided a significant basis for peace in Burundi, and that the accord was not “*fundamentally* flawed by the absence of key rebel groups”.<sup>276</sup>

## 4.2 Response to questions

- *Does exclusion result in the party using spoiling tactics?*

There is no doubt that spoiling tactics was a direct consequence of the exclusion of the armed groups in the Burundian peace process. As described in the previous section, the use of violence was significantly stepped up and led to a state of war in many parts of the

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<sup>270</sup> Ibid.

<sup>271</sup> Van Eck 2007, 117.

<sup>272</sup> Ibid.

<sup>273</sup> International Crisis Group 2000a, 1.

<sup>274</sup> Van Eck 2007, 114.

<sup>275</sup> International Crisis Group 2001, 1.

<sup>276</sup> Bentley & Southall 2005, 192.

country, and the parties used violence strategically to emphasise their importance for the success of the peace process. It seems, however, that the majority of the armed groups essentially sought to influence the process rather than derailing it. The armed groups used violence to indicate their defiance against the Arusha agreement, which they had not been part in negotiating and would consequently not sign. Violence was moreover utilised to strengthen their position and negotiating power. In sum, violence was both used strategically to show their importance for Burundi's future, a tool to improve their negotiating positions as well as a tactical move to influence the negotiating framework.

The position taken by PALIPEHUTU-FNL of Rwaswa indicates that the party was not really willing to engage, and there are therefore reasons to believe that the party sought to spoil the peace process and not merely influence it by using violence. In May 2008, Rwaswa requests ultimately indicated that he would "only play ball on his own terms",<sup>277</sup> and even after the Magaliesburg agreement was signed in June 2008, disagreements were voiced regarding the assembly of combatants. The PALIPEHUTU-FNL of Rwaswa demanded acceptance as a political party as a prerequisite for the process to continue, while the government claimed that the PALIPEHUTU-FNL continued to recruit fighters, and that "the rebel group [was] preparing itself for the resumption of hostilities".<sup>278</sup> As late as In January 2009, the PALIPEHUTU-FNL finally agreed to change its name in order to meet the requirements to become a political party. Although described as a "breakthrough", translating the cooperation "into concrete political and military steps such as the socio-economic integration of FNL troops" was seen as necessary to resolve the remaining issues.<sup>279</sup> The party's commitment to peace can arguably be questioned due to the drawn-out efforts to find an agreement and take steps to implement agreements reached.

In sum, the exclusion from the peace process did lead to spoiling tactics in the case of Burundi. In particular, the use of violence and spoiling was used in response to being excluded and the majority of the parties were essentially concerned with influencing the

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<sup>277</sup>Angelo Izama. "Burundi: On the Brink," *The Monitor*, 5 May 2008. [Online]. Available: <http://allafrica.com/stories/200805050945.html> [15 August 2008].

<sup>278</sup> Reuters, "Burundi accuses FNL rebels of plotting attacks," *Reuters*, 9 July 2008. [Online]. Available: <http://www.reuters.com/article/latestCrisis/idUSL09418826> [15 August 2008].

<sup>279</sup> IRIN News 2009.

peace process rather than spoiling it. There are, however, reasons to question if the spoiling behaviour of PALIPEHUTU-FNL of Rwanda was a consequence of its exclusion from the process, as the group has not demonstrated a clear willingness to engage in the peace process.

- *Are parties included as long as their demands are legitimate, regardless of their spoiling behaviour?*

It is evident that the demands held by the various parties were less important for their participation in the peace process than was their ability to use violence. The political parties were included from the very beginning, not because of their views but as result of Nyerere's perception that they were the legitimate representatives, and the assessment that that the inclusion of the political groups at the expense of the armed groups would be less damaging to the process than the other way around. In the Burundian peace process, the main concern for the issue of participation was the ability of parties to hinder the process, and not with the legitimacy of their demands.

- *Do mediators ignore parties (use the departing train strategy) who undermine the peace process and hold illegitimate demands?*
- *Are parties being included, regardless of their demands, if they are able to undermine the peace process?*

In the Burundian peace process, the parties who were excluded did attempt to undermine the peace process, especially by using violence. Whether they held illegitimate demands or not was not a concern to the mediators. Contrary to what is suggested in the literature, the mediators involved did not use the departing train strategy in response, but rather sought to include the parties in the process, because of their attempts to undermine the peace process.

- *Are small or radical parties marginalised in response to their spoiling behaviour?*

As previously mentioned, the size or views held by the parties did not affect the way in which they were handled by the mediators, and their ability to hinder the peace process was the significant concern that guided the question of inclusion and exclusion.

- *Do parties take more extreme positions when excluded?*

- *Does inclusion of parties with extreme positions result in the party holding more moderate views?*

In the case of Burundi, it has been argued that the parties who did not take part in the peace process took more extreme positions as a result of being excluded, but did not moderate their stance when welcomed into the peace process.

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## 5. Characteristics of parties

As highlighted in the analytical framework, the orthodoxy of all-inclusiveness fails to recognise several dimensions regarding the characteristics of parties that presumably matter for the question of participation and needs to be examined in practice. In particular, this concerns the willingness of parties to participate as well as the assumption that parties are unitary actors. With these issues in mind, the following section will address some practical issues regarding the participation of all parties.

### 5.1 Factionalism and participation in the Arusha process

Factionalism, splinter groups and new party formations were central challenges in the peace process in Burundi, and changes in the composition of the parties did directly influence the decisions made regarding participation. The PALIPEHUTU, established in 1980, split when Cossan Kabura broke away and formed PALIPEHUTU-FNL in 1992.<sup>280</sup> The CNDD-FDD first split as the party's military branch, led by Jean-Bosco Ndayikengurukiye, separated from its political branch, led by Léonard Nyangoma, just before the first round of talks at Arusha.<sup>281</sup> The split in the CNDD-FDD followed accusations that the leadership was misappropriating funds, or at least of the bad management and redistribution of existing resources".<sup>282</sup> Due to developments in the neighbouring DRC, the CNDD-FDD was forced to move its bases to Tanzania, and the process resulted in a loss of significant resources such as medical equipment and financial resources, which ICG suggests was the background for the internal divisions.<sup>283</sup>

The splits between the political and armed factions of central parties presented a significant challenge for the question of participation, and as already mentioned, four options were outlined as possible solutions. A deadlock remained, however, and Nyerere eventually decided to move on without the armed groups. Factionalism was therefore a direct cause of the exclusion of the armed groups from the peace process, and the armed groups were consequently not signatories to the Arusha Agreement. PALIPEHUTU was represented by Etienne Karatasi at Arusha, while PALIPEHUTU-FNL, led by Cossan

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<sup>280</sup> Boshoff & Very 2006.

<sup>281</sup> International Crisis Group 2000, 30.

<sup>282</sup> International Crisis Group 1998a, 6.

<sup>283</sup> Ibid.

Kabura, did not participate and continued its armed struggle.<sup>284</sup> Whereas the CNDD did agree to the Declaration signed after the first round of talks at Arusha, its military branch CNDD-FDD rejected it and further “issued a warning “to those that continue to conclude agreements in the name of the CNDD”.<sup>285</sup> As a result, the ceasefire agreement reached on 21 June 1998 led nowhere.<sup>286</sup> Indeed, it was widely recognised that it would be necessary to bring the armed groups onboard should Burundi see lasting peace, and it was argued that “the FDD would inevitably have to be invited to the negotiation table” should the armed group persistently reject Nyangoma as a valid representative.<sup>287</sup>

## **5.2 Splintering in the post-Arusha phase**

After the Arusha Agreement was signed, efforts continued to bring in the remaining groups. More than 20 meetings took place between September 2000 and the beginning of 2003, and one of the significant challenges to the process was continued factionalism and splintering of the armed groups.<sup>288</sup> Giving the groups “equality of status led to a proliferation of parties and may well have contributed to factionalism within the rebel movements”.<sup>289</sup>

The question around participation in negotiations was to cause further factionalism in the CNDD-FDD. In October 2001, the group confirmed its commitment to an agenda for negotiations with the government, but the day after a summit in Pretoria in October 2001, a faction of the CNDD-FDD rejected Ndayikengurukiye’s leadership, took control over large parts of the forces and formed a splinter group that called itself National Circle of Patriots (FDD-CNP). The group established a central committee and Jean-Pierre Nkurunziza became coordinator-general.<sup>290</sup> This FDD-CNP did take part in talks held at Vaal Dam in South Africa in February 2002, where some progress was made towards establishing a framework for continued talks with the government,<sup>291</sup> but when CNDD-FDD of Ndayikengurukiye participated in talks in April 2002, Nkurunziza’s faction

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<sup>284</sup> Boshoff & Vrey 2006.

<sup>285</sup> International Crisis Group 1998a, 6.

<sup>286</sup> International Crisis Group 2000, 15.

<sup>287</sup> International Crisis Group 1998a, 7.

<sup>288</sup> Southall 2006, 210.

<sup>289</sup> Daley 2007, 341.

<sup>290</sup> International Crisis Group 2002, 10.

<sup>291</sup> Bentley & Southall 2005, 92.

“declined to participate unless the South African facilitators rejected their immediate rivals”, and argued for the negotiations to continue in Tanzania when Zuma refused.<sup>292</sup>

As for the PALIPEHUTU-FNL, little progress was achieved. In 2001, Agathon Rwaswa replaced Kabura as a leader for PALIPEHUTU-FNL. Rwaswa continued to refuse a ceasefire agreement, despite engaging in “official or unofficial talks with facilitators, [and] held strongly to the position that the transitional government was dominated by Tutsis, that Hutu parties which had joined it were sell-outs, and that it would only negotiate with the Burundian army”.<sup>293</sup>

After successful cooperation on the battlefield, a partnership took shape between the FDD-CNP of Nkurunziza and the PALIPEHUTU-FNL, but the parties found themselves in disagreement when the FDD-CNP attempted “to take the lead on the talks and to assert that they are mandated to represent the FNL (...)”.<sup>294</sup>In 2002, there were increasing tensions between pro-negotiation and anti-negotiation factions of the PALIPEHUTU-FNL and later in the same year, a small faction led by Alain Mugabarabona broke away from PALIPEHUTU-FNL. It is worth noting that the PALIPEHUTU-FNL of Rwaswa also had further defections.<sup>295</sup>

In 2002, four armed groups therefore remained outside the peace process and central in the conflict;

1. The CNDD-FDD of Ndayikengurukiye;
2. The FDD-CNP of Nkurunziza;
3. PALIPEHUTU-FNL of Mugabarabona; and
4. PALIPEHUTU-FNL of Rwaswa.

Of these, the most active were the PALIPEHUTU-FNL of Rwaswa and FDD-CNP of Nkurunziza.<sup>296</sup>

As the peace process was dependent on the participation and support of the armed groups, the facilitators were to a large extent forced to engage with whatever party was willing. The participation strategy did therefore not confine itself to certain parties or

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<sup>292</sup> Ibid.

<sup>293</sup> Southall 2006, 210.

<sup>294</sup> International Crisis Group 2002, 10.

<sup>295</sup> Boshoff & Vrey 2006.

<sup>296</sup> International Crisis Group 2002, 2.

certain principles, and was rather seeking any progress possible with any group. Indeed, the groups were engaged both collectively and individually.<sup>297</sup> This strategy of multi-track negotiations was in other words the only possible option,<sup>298</sup> and splits and new party formations did therefore further complicate the post-Arusha peace process, especially as it limited the strategies available to the facilitators.

When mediators engaged with certain armed groups, this served to strengthen the groups who remained outside of the process. Leaders of armed groups who did engage in talks were understood to be "compromising with the Buyoya regime", they were "rejected by some of their fellow fighters",<sup>299</sup> and the continued non-participation of PALIPEHUTU-FNL of Rwaswa consequently provided "an exit option for unhappy fighters".<sup>300</sup>

As outlined above, a ceasefire agreement was eventually reached with the CNDD-FDD of Ndayikengurukiye and PALIPEHUTU-FNL of Mugabarabona in October 2002. Later the same year, FDD-CNP of Nkurunziza also entered talks with the transitional government, and signed the Global Ceasefire Agreement with the transitional government in 2003. No agreement was found with the PALIPEHUTU-FNL of Rwaswa until June 2008, and the process of implementation is in March 2009 still faced with significant challenges.

### **5.3 Response to questions**

- *Is it practically possible to have an all-inclusive process?*
- *Do mediators include all factions and splinter groups in the peace process?*

The Burundian peace process shows that repeated factionalism, splintering and new party formations pose significant practical challenges to the principle of all-inclusiveness. The initial factionalism between the political and armed groups presented the mediator with a difficult dilemma, namely to either include the political leadership or to include the armed groups. Nyerere was willing to include all factions, and this was one of the options he presented to the parties, but as one party's participation depended on the other's exclusion, it was impossible for the mediator to include all. To have an all-

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<sup>297</sup> Bentley & Southall 2005, 92-93.

<sup>298</sup> International Crisis Group 2002, 13-14.

<sup>299</sup> *Ibid*, 14.

<sup>300</sup> *Ibid*.

inclusive process once the process had started without some of the groups consequently proved difficult in the case of Burundi.

Later in the process, as it became obvious that the armed groups would have to be included, continued factionalism and splintering presented the mediators with additional challenges. Splintering and factionalism made the landscape of parties more complex and added new players that would have to be engaged, and moreover limited the strategies available to the mediators.

As mentioned above, the CNDD-FDD of Nkurunziza demanded the mediator's rejection of its rival group as a precondition for participation. Despite wanting to include all the groups in peace talks, the mediators were forced to deal with whoever was willing to engage, and the remaining parties continued to provide a way out for fighters who were unhappy with their leaders joining the peace process, and the inclusion of one group consequently led to the strengthening of a remaining group. Based on the experience in the Burundian case, it is evident that the goal of including all is more problematic than suggested in the literature.

## 6. Consequences of all-inclusiveness

The analytical framework highlighted several possible consequences of having an all-inclusive process, including complications resulting from having a high number of participants as well as possible problems following of a stated goal of all-inclusiveness. The following section examines the case of Burundi with particular attention given to these dimensions. As the Burundian peace process was not an all-inclusive process, it cannot provide lessons regarding the consequences of such an approach.

- *Does a high number of parties included in a peace process negatively affect the peace process and its outcome?*

The Burundian peace process did have a high number of parties involved. 17 parties took part in the first round of the Arusha peace process, and the number of parties participating in the peace process was in other words high even without the participation of the armed groups. The negotiations were however eased by the grouping of the Hutu and Tutsi parties in two camps. The agreements reached with the armed groups were essentially ceasefire agreements and the most difficult part was getting the parties to end their violent struggle.

- *Do a mediator's attempts at including all parties lead to factionalism, splintering and new party formations?*

The strategies chosen for the inclusion and exclusion of parties in the Burundian peace process had important impacts for factionalism and splintering of parties. As a direct consequence of the CNDD-FDD committing to negotiations with the government, a faction rejected the groups' leadership and formed a splinter group with large parts of the forces of the original group. It has in fact been suggested that the aim of including the armed groups may have contributed to further factionalism.

Another consequence of the attempt to include the armed groups after first having excluded them was the armed groups' awareness of their strengthened positions when Mandela insisted on their inclusion in the process. As the ICG describes it; they were "surprised at suddenly being contacted, even courted by all the players in the

process".<sup>301</sup> The exclusion of the armed groups, later was followed by attempts at including them, increased the room available to make demands.

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<sup>301</sup> International Crisis Group 2000, 35.

## 7. Summary

This chapter first established that the conflict in Burundi is a political one, where the competition for state power has been dominated by violence since the country gained independence in 1962.

The question of participation in the Arusha peace process, which was initiated in 1998, was influenced by central events and developments during the conflict. Particularly important is the fact that although the armed groups had become the main movers of the conflict, they were not included in the mediation efforts led by Nyerere. A dilemma presented itself as the armed and political factions of the main parties split, and Nyerere did not succeed at finding a solution that was acceptable to all and eventually continued the peace process without the armed groups.

As it became increasingly evident that the armed groups could not be ignored, Mandela attempted to bring the warring parties into the process when he took over as mediator in 1999. The efforts failed, however, and Mandela decided to continue the process without them. The armed groups were consequently not parties to the Arusha Peace and Reconciliation Agreement, which was signed in 2000, but continued efforts at finding agreement with the parties those that remained outside and in opposition to the peace process eventually brought fruit.

The chapter next discussed the Arusha peace process through an examination of five topics: The principle of an inclusive process; the use of violence; the consequences of exclusion; characteristics of the parties; and the consequences of an all-inclusive process. The following central findings emerged:

### 1. All-inclusiveness

The peace process in Burundi did not apply a set definition of all-inclusiveness and the parties' demands were not significant for the decisions made regarding participation. The question of inclusion was based on an assessment of who the central parties were and their ability to hinder the process.

## 2. Violence

The parties made themselves important players by the use of violence. The armed groups used violence in response to their exclusion from the process, and as a result, they were sought included in the process.

The Burundian peace process does not indicate that including a party prevents it from hindering a peace process. On the contrary, the case of Burundi suggests that parties can be involved in negotiations and at the same time continue their use of violence, and the Burundian experience indicates that attempting to include armed groups as a result of their use of violence strengthened their position.

With hindsight, it is evident that the use of violence did not hinder the progress of the peace process, as the Arusha agreement was indeed signed without the armed groups being parties to it. The use of violence did however challenge the implementation of the peace process, as the violence was increased and the country found itself in a state of war.

## 3. Consequences of exclusion

The decision to exclude the armed groups from the first phase of the peace process was to have significant impact on the process in several ways. It slowed down the progress of the peace process, and the absence of a ceasefire hindered the support from a United Nations peacekeeping force. The exclusion of the armed groups moreover contributed to their radicalisation, and exclusion from the Arusha peace process did reduce the parties' willingness to engage also in the post-Arusha phase. An increase in violence and spoiling tactics were observed as a result of exclusion. The posts already divided between the included parties had to be reshuffled, and the fact that the parties have signed different agreements is complicating the implementation process.

## 4. Characteristics of parties

Factionalism was a direct reason for the exclusion of the armed groups from the peace process, and it is also suggested that giving the armed groups equal status when attempting to include them in the post-Arusha phase also may have contributed to factionalism. The mediators had to involve whoever was willing to talk, and when one group engaged in the process, this served to strengthen the groups who remained

outside the process. The Burundian peace process shows that repeated factionalism, splintering and new party formations pose significant practical challenges to the principle of all-inclusiveness.

#### 5. Consequences of an all-inclusive process

The peace process in Burundi shows that the principle of all-inclusiveness may have important consequences, amongst them the danger of promoting factionalism and splintering, and strengthening the bargaining position of parties.

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## IV. CONCLUSION

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The central aim of this study was to question the conventional wisdom in the literature on peace processes that all-inclusiveness is required for a peace process to be successful, and it emerged that the orthodoxy of all-inclusiveness has a weak theoretical and empirical basis and hence needed to be examined. Five themes were discussed to this end: The principle of all-inclusiveness, violence, consequences of exclusion, characteristics of parties and consequences of all-inclusiveness. The examination of the Burundian peace process provided important lessons relevant for the question of participation. The following are the central issues and findings:

First, it is clear that the issues involved in the participation of parties in peace processes are much more complex than recognised in the literature. Two questions stand out as particularly important: (a) There is a need to identify what is meant by all-inclusiveness. Does it mean including all parties, also the warring parties? The experience from Burundi clearly shows that all parties are not always included in peace processes. (b) The assumption that all-inclusiveness adds some value in itself, such as ownership and legitimacy, and that this will in turn ensure a successful process, is not backed up with evidence from case studies and should consequently be questioned.

Second, one of the few critical questions about participation is whether parties should not be included due to being perpetrators of violence and human rights abuses. The question was certainly not a concern in the peace process in Burundi.

Third, the relationship between participation and the use of violence needs to be examined closer, as central assumptions were not supported in the findings from the examination of the Burundian peace process: (a) Will an all-inclusive process reduce the parties' use of violence and hence lead to a successful process? In the case of Burundi, the offer to participate did not end the armed groups' use of violence. Rather, they were involved in negotiations while violence continued, and used violence to increase their bargaining power. (b) Do all violence hinder a peace process from succeeding? The Burundian process shows that this is not the case, as the Arusha Peace and Reconciliation Agreement was signed while violence was still ongoing. As the violence

was stepped up after the agreement was signed, the parties were drawn into the process, and it is therefore not possible to answer how much violence a peace process can handle based on the case of Burundi.

Fourth, regarding consequences of the exclusion of parties, several important elements emerged: (a) It is claimed that parties who are excluded from a peace process become spoilers, and in the Burundian case, the increased use of violence was a direct consequence of exclusion. The parties were however seeking to influence the process as well as its outcome rather than to hinder the process from succeeding. It is suggested in the literature that appropriate strategies for dealing with spoilers should take the legitimacy of their demands into account. In the Burundian peace process, the demands of the parties were irrelevant in the consideration of participation, and the central concern was the parties' ability to upset the process by using violence. (b) Do parties who are excluded from a peace process become radicalised? This claim is supported in the examination of Burundi, where the exclusion of the CNDD-FDD and the PALIPEHUTU-FNL contributed to their growing radicalisation, as they perceived themselves to hold a higher moral standing than those who chose to participate. (c) In Burundi, the decision to first move on without the participation of the armed groups gave them room for demands when they were sought included at a later stage. This strategy moreover slowed down the progress of the peace process. The parties who were included were reluctant towards the inclusion of the excluded parties, and when new parties were eventually included, this resulted in a need to reshuffle posts that had already been distributed. The fact that the armed groups were initially excluded and later included moreover resulted in the parties involved have not signed the same agreement. The Burundian peace process consequently highlight several important implications, especially if the decision to exclude certain parties are attempted reversed at a later stage.

Sixth, about the nature of the groups: The doctrine of all-inclusiveness disregards the complex nature of parties in today's conflicts. The fact that parties often are many and have an incoherent structure, often have different factions and even split and form new parties represent significant challenges for the principle of including all, and the Burundian peace process underlines the importance of this dimension. Factionalism presented Nyerere with an either-or decision regarding participation, as the different

factions were not willing to all be participants. As it became clear that also the armed groups had to be included, all factions were invited to participate, both under Mandela and in the post-Arusha phase. The central question was not, however, whether they should all be included, but how to convince them to participate, and the repeated splintering of the groups presented the mediators with no choice but to engage with whomever was willing. Moreover, if a group chose to participate in the process, there was a real danger that a remaining group would be strengthened as a direct result. It is evidently clear that the goal of including all parties is much more complex in practice than suggested in the literature, as a result of factionalism and splintering.

Finally, what are the consequences of an all-inclusive process? It has been suggested that the attempt to include all warring parties in the Burundian peace process did contribute to factionalism and new party formations, but it is impossible to draw absolute conclusions based on the accounts available.

To conclude, the peace process in Burundi provides useful lessons regarding inclusion and exclusion. It supports the need to include parties who are able to use high levels of violence, as the use of violence can pose significant threats to a peace process, but not necessarily so. Excluding parties can result in spoiling behaviour, and the party may use violence as a tool to influence the peace process rather than derailing it. When responding to a spoiler, the demands made by the warring group are less important than its ability to use violence.

The number of parties involved in a conflict and the problem with factionalism and splintering represent practical problems for an all-inclusive approach, and so do parties who are unwilling to participate. Both are highlighted in the case of Burundi, and it is evident that a number of obstacles to all-inclusiveness exist in practice. Significantly, the Burundian peace process shows that an all-inclusive process is not necessary for a peace process to be successful. *The doctrine of all-inclusiveness is significantly challenged by the Burundian peace process, and the question of participation is more complex than recognised in the literature.*

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