

# **Majority Groups and Power-Sharing: A Complicated Combination**

A research about the motivations of majority groups to accept power-sharing regimes



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**By Emilia Califano**

**Student number: 1014554**

**Supervisor: Dr. Romain Malejacq**

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## **Abstract**

For settling ethnic conflict in deeply divided societies, power-sharing arrangements often seem an appropriate solution. The idea of power-sharing is that former adversaries work together and jointly take decisions. This model can only work if the political elites show a basic willingness to cooperate. For minority elites, it seems rational to agree to a power-sharing agreement. However, for majority elites that enjoy political dominance it seems quite irrational. Why would they agree to shared rule and commit to the power-sharing agreement? Based on a process tracing analysis of Rwanda and Burundi, this thesis investigates the circumstances under which majority groups agree to power-sharing arrangements. The thesis is subdivided into four sections. First, I map out the concept of consociationalism (a particular form of power-sharing) and discuss alternative explanations for the consent of majority groups to consociationalism. Second, I provide the relevant context of the Rwandan and the Burundian case. Third, I present an analytical narrative of the Rwandan and Burundian peace negotiation processes. In concluding, I show that the power-dynamics between the majority group and the minority groups involved in the negotiation processes play a vital role in explaining majority group's commitment to consociationalism. While majority groups agree to power-sharing arrangements in a period of weakness, the findings suggest that it depends on the amount of influence majority groups have on the final agreement whether they will stick to the agreement or not.



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## 1. Introduction

For settling ethnic conflicts in deeply divided societies, power-sharing arrangements often appear to be an appropriate solution. The idea of any power-sharing structure is that multiple former adversaries work together and jointly take decisions. The establishment of a power-sharing regime in a deeply divided society is, however, not a simple process. While policymakers have developed ambitious power-sharing plans in countries moving from conflict and authoritarianism towards democracy, such as in Sierra Leone, South-Sudan, and Bosnia and Herzegovina, only few power-sharing regimes have been able to endure. The theoretical explanation for this variation emphasizes the critical role of political elites. Ulrich Schneckener's comparative analysis of six power-sharing cases (2002) shows that the success or failure of power-sharing regimes largely depends on whether elites show a basic willingness to cooperate. If the elites do not commit to cooperation and the principles of shared rule, the best power-sharing constitution will most likely fail. Contrarily, if the political elites demonstrate their determination to the power-sharing accord, followers will be likely to also support the accord. In this case, the power-sharing structures can flourish.

For elites representing the minority groups that are politically subordinate to the dominant group, acceptance of shared rule seems rational. Power-sharing structures protect minority groups from majority political dominance by providing all groups with access to political power and a mutual veto in decision-making. Majority elites (i.e. politically dominant elites) rather prefer winner-takes-all outcomes to secure their political dominance (Horowitz, 2014). For these elites, particularly those ruling a single-party state, it seems highly irrational to accept power-sharing agreements in which they have to give up a great share of their political power. This asymmetry of preferences between majority groups and minority groups is an important bargaining obstacle to the establishment of a power-sharing regime. Yet, in some cases, politically dominant groups do agree. Why do these majority groups, that are theoretically expected to never accept to share power, sometimes sign power-sharing agreements?

In this thesis, I investigate the circumstances under which majority groups agree to a consociational accord and commit to the obligations of that accord. One of the few scholars that have focused on this puzzle, is Donald Horowitz. In his work on consociationalism – a particular form of power-sharing developed by Arend Lijphart which requires a grand coalition; mutual veto in decision-making; the principle of proportionality; and a high degree of segmental cultural autonomy – Horowitz argues that majority groups agree to a power-sharing accord when they are “momentarily weak” (2014, p. 8). Once the majority party regains power, it will leave the power-sharing pact and try to overthrow the regime. This answer is, however, not satisfying, because it provides no explanation for cases in which consociationalism has proven to be an enduring and relatively stable system.

By providing an analytical narrative of the Rwandan and Burundian peace negotiation processes, I demonstrate that the power-dynamics in these negotiation processes play a vital role. In

Rwanda, the politically dominant group signed the power-sharing agreement, but did not commit to the agreement. Consequently, the agreement quickly collapsed. On the contrary, in Burundi, the politically dominant elite did commit to the consociational agreement and the power-sharing structures still stand. I clarify this difference in outcome by showing that in Rwanda, the minority group successfully challenged the ruling elite during the negotiation process by the smart use of negotiation tactics. Here, the minority group proved to be the most powerful negotiating actor. In Burundi, the majority group was most powerful. By stressing their political dominance, the majority elites were able to influence the outcome of the negotiation process in such a way that the final agreement secured their position in the transitional government. At the same time, the agreement established power-sharing institutions that ensured the representation of minority groups. Thus, even though the majority group had to give up a great share of power, the majority elites could present themselves as “winners” of the negotiations vis-à-vis their followers and were willing to show their determination to the accord.

This has important implications for research on ethnic conflict resolution and power-sharing regimes. The findings suggest that it depends on the amount of influence majority groups have on the final agreement whether they will stick to the agreement or not. The critical assessment of majority groups’ motivations to commit to a power-sharing agreement can also provide valuable information for policymakers in peace processes. The findings of this study should make policymakers aware of certain challenges and pitfalls in peace negotiations that might be avoided by adopting adequate negotiation strategies. Most importantly, I emphasize that power-sharing arrangements can work well, provided that the politically dominant group agrees to the conditions. Policymakers acting as mediators in negotiations on power-sharing should therefore find a good balance between the pressure they put on the negotiating parties to reach an agreement and the space they leave for the parties to act autonomously. Moreover, I show that all parties involved in the negotiations on consociationalism should continuously evaluate and adapt their negotiation strategy. By acting as a strong front and by making use of smart negotiation tactics, parties can achieve an outcome that is in their favor.

## **1.1 Defining the Key Concepts**

### **1.1.1 Majority Groups**

Across literature on sociology and social psychology, majority and minority groups have been defined in terms of numeric size (Leonardelli & Brewer, 2001) and political dominance (Tajfel, 1981; Sachdev & Bourhis, 1991; Blanz et al., 1998). In this research, I exclusively use the political dominance interpretation. Here, the majority group is the group enjoying political power. In chapter two, the theoretical framework of this thesis, I show that these groups are not necessarily the most powerful in negotiation processes.

Conforming to the political dominance interpretation, sociologist Louis Wirth defined a minority group as “any group of people who, because of their physical or cultural characteristics, are singled out from the others in the society in which they live for differential and unequal treatment, and who therefore regard themselves as objects of collective discrimination” (1945, p. 347). Even though Wirth does not explicitly provide a clear definition of majority groups, he argues that minority groups are often subordinate to a dominant group which holds most political power in a given society.

Important to understand is that, according to Wirth’s interpretation, a numerical majority is not necessarily a prerequisite of being a majority group. In some cases, larger groups are considered to be the minority due to their lack of political representation. In Burundi, for example, the Hutus form a significant numerical majority in society. Nevertheless, they have been dominated for years by a numerical Tutsi minority.

In sum, I define majority groups in terms of political dominance. I therefore use the terms majority groups and dominant groups interchangeably.

### **1.1.2 Ethnic Conflict**

To comprehend the concept of ethnic conflict, one must first discuss the concept of ethnicity. Ethnicity has been defined in numerous ways. These definitions can be roughly categorized into two groups: primordial and constructivist definitions. Primordial accounts argue that ethnicity is a given, inherent, and natural characteristic of both communities and individuals that is closely related to race. According to the classic version of primordialism ethnicity is fixed. Constructivists, on the contrary, consider ethnicity to be constructed through social interaction. Rather than seeing it as a fixed characteristic, constructivists argue that ethnicity is a dynamic and constantly evolving characteristic of communities and individuals (Nagel, 1994, p. 152).

Despite the debate surrounding ethnicity, the concept remains relevant for this thesis. For both primordialists and constructivists, ethnicity is an important aspect of an individual’s self-conceptualization that results from identification with a specific community in opposition to other communities on the basis of perceived cultural differentiation (Jones, 1997, p.4). An ethnic conflict is

then a conflict in which at least one party perceives itself as such and fights along ethnic lines. In these conflicts, “the primary fault line of confrontation is one of ethnic distinction” (Cordell & Wolff, p. 4). That is, at least one party involved in the conflict interprets the conflict and its causes along an actual or perceived ethnic divide. This also implies that at least one party is organized around the ethnicity of its members.

### **1.1.3 Peace Negotiations**

I regard peace negotiations as the basic means by which conflicting parties “search for peaceful settlements and aim to settle their differences” (Oliver et al, 2011, p. 187). The main aim is “to keep a foot in the door, keep conflict parties linked to another reality, and to build trust” (Mason, 2007, p. 9). In ethnic divided societies, peace negotiation is never a simple process, as it involves compromising, consensus-building, and trust-building. For ethnic groups that have been in conflict for decades – as was the case in Rwanda and Burundi – the process is even more difficult. However, for peace to take root, negotiating a peace accord is a fundamental starting point (Anderlini, 2004).

Agreements reached at the negotiation table are supposed to set the course for political transformation of a post-conflict society. However, even after an agreement has been reached, parties might renege on the agreement. The implementation phase therefore remains a precarious phase that can lead to the success or failure of a power-sharing regime.

## **1.2 Methodology – Comparative Process Tracing**

In this work, I try to find out under which conditions politically dominant groups agree to consociationalism and commit to the obligations of the agreement. Thus, the focus lies on causal conditions, configurations, and mechanism which make the specific outcome possible. The methodological approach best suited to answer this type of question is process-tracing. In recent years, multiple academics have attempted to codify process tracing and have applied it to various empirical topics (e.g. George & Bennet, 2005; Goertz & Mahoney, 2012; Beach & Pedersen, 2013). These authors argue process tracing is a method of within-case analysis that formally tests a number of hypotheses. Usually, the goal is to detect the causal mechanism leading from the initial condition A to outcome B by means of a variable-centered approach.

Contrary to this approach to process tracing, in this research, I use the method of process tracing to compare two cases: Comparative Process Tracing (CPT). CPT has been defined in several ways: making inferences from controlled experiments to real world conditions (Guala, 2010) or comparing models with empirical findings (Steel, 2008). Here, I apply a more narrative approach, as developed by Bo Bengtsson and Hannu Ruonavaara (2017). In their work, Bengtsson and Ruonavaara use the concept of CPT to trace and compare two or more empirical processes. For this comparative approach to process tracing, I adopt a broad and general understanding of the concept of process

tracing. Such an explanation looks at actors' actions and interactions producing various political outcomes and considers contextual factors. This explanation accords best with Waldner's conception of process tracing: "Process tracing uses a longitudinal research design whose data consist of a sequence of events (individual or collective acts or changes of a state) represented by non-standardized observations drawn from a single unit of analysis" (Waldner, 2012, p. 58).

The CPT approach that I apply here consists of two methodological steps: within-case analysis and between-case analysis. In the within-case analysis, the history of both countries under investigation is discussed. Most important, I identify and analyze *critical junctures* and *political focal points* that have contributed to the *path dependence* of the country's peace processes. Subsequently, I turn to the processes in which consociationalism was negotiated and identify the *social mechanisms* that made these negotiation processes path dependent. In the between-case analysis, in the conclusion, the negotiation processes are compared in terms of the social mechanisms identified (Bengtsson & Ruonavaara, 2017, p. 48).

CPT is particularly well suited "for investigating empirical-historical puzzles concerning two or more cases" (Bengtsson & Ruonavaara, 2017, p. 46). In this research, these puzzles are differences in the outcome of peace-processes that are surprising from the point of view of existing theories. Thus, the point of CPT is "to explain how and why the factual outcome was produced instead of a counterfactual outcome" that from a theoretical perspective would have been expected (Bengtsson & Ruonavaara, 2017, p. 46).

### **1.2.1 Path Dependence**

Central to CPT, according to Bengtsson and Ruonavaara, is path dependence. While process tracing does not necessarily build on theories of path dependence, the two are strongly linked. The point is that some outcomes should be explained by the sequence of events in history rather than by general causes. Path dependence is a process in which "what happened at an earlier point in time will affect the outcomes of a sequence of events occurring at a later point in time" (Sewell, 2005). Some academics assign a more specific role to path dependence, as they believe it is crucial to identify historical mechanisms that determine the development of a chosen path (e.g. Mahoney 2000). This rather limited role of path dependence assumes that change is possible only through exogenous factors.

In this research, I use a less deterministic explanation of the concept that leaves room for endogenous factors. Applying the deterministic explanation of path dependence implies removing all forms of agency from political actors. This would not suit the actor-based theoretical framework of this research. The "weak definition" used here sees path dependence as "a historical pattern in which a certain outcome can be traced back to a particular set of events on the basis of empirical observation guided by social theory" (Bengtsson & Ruonavaara, 2017, p. 50). These events are, usually, the result

of choices made by actors. Thus, I use an actor-centered approach to CPT in this thesis. These actors are considered to be thinly rationalistic, which means that they act on the basis of their beliefs to accomplish a goal (Elster, 1983).

### **1.2.2 Critical Junctures and Political Focal Points**

Crucial to the concept of path dependence are “critical junctures”. Collier and Collier define a critical juncture as “a period of significant change, which typically occurs in distinct ways in distinct countries (or in other units of analysis) and which is hypothesized to produce distinct legacies” (1991, p. 29). In this thesis, I use a more actor-centered definition which considers critical junctures to be “transitional situations in which actors have the possibility to make choices that would open up a new path” (Bengtsson & Ruonavaara, 2017, p. 52). Opening up a new path also means a new path dependence, “as it becomes progressively more difficult to return to the initial point when multiple alternatives were still available” (Mahoney, 2000, p. 513). Actors may not always be aware of critical junctures. Sometimes, certain decisions prove to have more far-reaching consequences than decision-makers initially thought.

Other decision-making situations of interest in this research are “political focal points”. Rather than opening new paths, these decision-making points “demonstrate, manifest, and consolidate the path dependence of a direction taken before” (Bengtsson & Ruonavaara, 2017, p. 52). At these points, the restricting roles of political systems and institutions are made explicit, as decisions taken at these points confirm the path dependence of existing institutions. In this research, typical political focal points are important political decisions that we would expect to be taken given the political structures. These decisions might include, for example, the appointment of obvious candidates in a government body, or political decisions that aim to secure the majority group’s power.

### **1.2.3 Context**

Identifying critical junctures and political focal points is a great step in understanding the relevant context of the cases. This context is an essential element in both the comparative steps of CPT, as well in reconstructing the individual cases in the first step. Explanations of how the outcome – acceptance or refusal of consociationalism by the dominant group – has come about must take into account the social, political, and cultural context in which both the actors and the social mechanisms under study operate. So, although the actual starting point (A) of the process tracing analysis is the beginning of the formal peace negotiation processes, it is important to also discuss the countries’ histories before the negotiations. This discussion is needed in order to understand the power dynamics and decisions made. Actors’ preferences are not created in a vacuum, but rather are dependent on the context in which the actors find themselves (Somerville & Bengtsson, 2002). Similarly, predicting the outcome

of a social mechanism in a new case depends on a careful analysis of the context (Falleti & Lynch, 2009).

To be able to make adequate comparisons between cases, contexts must be similar. However, to make comparison meaningful, they need not to be identical (Bengtsson & Ruonavaara, 2017). Identifying the relevant context is, to a large extent, a theoretical matter. It is not necessary, nor very fruitful, to provide a context that conditions everything. Instead, the context crucial for the topic under study must be provided. In this research, crucial context concerns the development of the ethnic conflicts and the political changes the countries have undergone before the peace-processes began.

#### **1.2.4 Social Mechanisms**

In the actor-based CPT used here, I sequence events that are the product of actors' actions and interaction. The analysis concerns how the governmental system of a country entangled in ethnic conflict at point A has become what it is at point B. Thus, I reconstruct and analyze the processes leading "from A to B" for each case. Within these processes, we can identify social mechanisms at work. These mechanisms are "causally productive in that they bring about outcomes" (Bengtsson & Ruonavaara, 2017, p. 53). Jon Elster defined social mechanisms as "frequently occurring and easily recognizable causal patterns that are triggered under generally unknown conditions or with indeterminate consequences" (2007, p. 36). So, we do not a priori know the conditions under which a mechanism is generated.

Particularly relevant for this research is the "power mechanism". This mechanism "works through inclusion and exclusion of actors in decision-making, their varying influence on decisions, and their differing capacity of setting the decision-making agenda" (Bengtsson & Ruonavaara, 2017, p. 55). The power-mechanism is of great importance for this particular research, because its focus lies on dominant groups and their influence in negotiating consociationalism. Traditionally, these dominant groups are expected to be most powerful in negotiation processes. However, this is often not true: minority groups often appear very effective and forceful in negotiations (Zartman, 1997). Later, in chapter two, I will further develop this phenomenon.

### **1.3 Case Selection**

I have selected the Rwandan and the Burundian case for fitting into the requirements of this research. In both countries there was a clear defined majority group, ethnic conflict, and peace negotiations as a solution to these conflicts.

Rwanda and Burundi are two countries in East-Central Africa that have many similarities. No other two states in Africa are more alike in terms of size, population density, language, religion, culture, and colonial history. Most significant, however, is their similitude in their ethnic composition. Often referred to as the "false twins", both countries are home to three ethnic groups: the Hutus, the

Tutsis, and the Twas. Proportions of these ethnic groups are roughly the same in Rwanda and Burundi. In both countries, the Hutus form the largest group (85-90 percent in 1999), followed by the Tutsis (10-14 percent), and the Twas (approximately 1 percent) (Uvin, 1999).

Behind these similarities lies a sociological and political puzzle. Both countries have experienced violent conflict between their ethnic communities. In Rwanda, the Hutus turned the country into a single-party state after colonization. The Tutsis were excluded from governmental positions and were structurally discriminated against in public life. In October 1990, the tensions between the Hutus and the Tutsis reached boiling point when a Tutsi rebel group – the RPF – invaded the country. This invasion marked the beginning of the Rwandan civil war. In Burundi, the Tutsi elites had been strengthening their political power since the end of colonization. Hutu faction repeatedly attempted to combat these efforts. These attempts activated various rounds of political and ethnic violence in Burundi. From 1988 onwards, Burundi's President Buyoya stood under increased pressure from the international community to democratize the country. He introduced reforms that introduced a power-sharing regime. The first elected power-sharing government of Burundi was, however, not able to subsist. Radical groups on both the Hutu and the Tutsi side were opposed to the new power-sharing government. As a result, Burundi became caught up in an ethnic war.

Rwanda's and Burundi's emergent polities after these bloody clashes are extremely different. Despite serious attempts to establish a power-sharing regime, Rwanda has become a full-fledged Tutsi-dominated dictatorship which officially denies its ethnic diversity. Burundi, on the contrary, has developed into a multiparty democracy that explicitly recognizes the ethnic heterogeneity of its population. As a result, Rwanda is known as an example of failed power-sharing, while Burundi's political system comes very close to Lijphart's consociational model (Lemarchand, 2006).

Concerning the duration of the peace negotiations in both cases, I analyze the formal peace processes that took place in Arusha, Tanzania. In Rwanda, this Arusha process took place between 10 July 1992 and 4 August 1993. In Burundi, the process took some more months: from 21 June 1998 until 28 August 2000. The reconstruction of the Burundi negotiation process is therefore somewhat longer than that of Rwanda.

In order to reconstruct the peace negotiation processes of Rwanda and Burundi I collected secondary information on the different phases of the processes. This information is obtained from official documents provided by think tanks and organizations that have been involved in the negotiation processes. At the time of the Arusha processes, these institutions have reported on the negotiations. I will sequence the different phases of the negotiation processes by analyzing these reports. Additionally, I use secondary sources that include newspaper reports, academic books, and journal articles.

## **1.4 Outline**

This work proceeds in four sections. The first section provides the theoretical framework of the thesis. Here I discuss the consociational model as developed by Arend Lijphart and examine critiques of the model. I show that the most important criticism addresses the difficulties in adopting a power-sharing regime. Majority groups are unlikely to accept power-sharing arrangements, because they want to maintain the status quo. When majority groups do agree to the arrangements, they often do so in a state of weakness. I show that this assumption is based on a traditional definition of power that is not usable for this research, because it does not help in explaining the success of consociationalism. Subsequently, I provide a redefinition of the concept of power that allows for judgments as to who is the most powerful party in negotiation processes after an agreement has been signed. The second section provides the relevant contexts of the Rwandan and the Burundian case. This context is needed to better understand the power relations between the majority and minority groups. Here I identify the critical junctures and political focal points that have contributed to the path dependency of the country's political future. In the third section, I consider the relevance of the theoretical framework in light of an analytical narrative of the Rwandan and the Burundi peace negotiations processes. I discuss the social mechanisms at work that have produced the specific outcomes. Finally, in the fourth section, I compare the two cases and conclude with theoretical and practical implications

## **2. Consociationalism and its Challenges**

In this chapter, I set out the theoretical background of the research. First, I explain the concept of consociationalism as developed by Arend Lijphart in detail. Second, I discuss relevant criticism to the consociational model which exposes the obstacles to the establishment of a consociational regime. Finally, I set out theory on power-dynamics in negotiation processes. This theory will provide the basis for the analysis of the cases.

### **2.1 Lijphart's Consociationalism – Elites as the Central Unit**

Constitution writers had designed power-sharing principles as a solution to the problems in deeply divided societies long before political scientists began analyzing the phenomenon of power-sharing (Lijphart, 2004). However, in our times, the power-sharing model is inescapably associated with Arend Lijphart who has been developing and refining the model since the 1960s. Lijphart defines the model as consociationalism. Since its formulation, few other theories have had such an enduring impact on the thinking of academics, as well as of practitioners of democratic governance, than consociationalism (Lemarchand, 2006). Initially, Lijphart used the model to explain stability in deeply divided Western societies. Indeed, Lijphart's consociationalism draws heavily on the experience of, for example, the Netherlands, in which society was divided between non-territorial pillars, but political stability and democracy was ensured by elite consensus. Subsequently, the theory was broadened by applying it to transitional democracies that came out of ethnic conflict. Lijphart's consociational approach to ethnic conflict regulation is therefore mainly based on the role of the political elite in providing stable governance.

In his early work, Lijphart defined consociational democracy as an ideal type in terms of four closely related characteristics: a grand coalition; mutual veto in decision-making; the principle of proportionality; and a high degree of segmental cultural autonomy (Lijphart, 1977, p. 25). According to him, a combination of these four arrangements provides more inclusive processes of decision-making, better egalitarian policies, and even improves economic performance (Lijphart, 1999).

The primary characteristic of consociationalism, a grand coalition, requires the inclusion of representatives of all significant groups in society in governing a plural society. This arrangement is designed to make all significant players "stakeholders" in the constitutional agreements. The logic behind this arrangement is as follows: groups that share an interest in playing the game by the rules are less likely to leave a pact, because they would lose the benefits provided by the agreement. In turn, Lijphart assumes that the cooperation of elites at the top-level promotes conciliation among their followers. Thus, he considers the resolution to ethnic conflict to be a top-down process in which elite cooperation fosters societal harmony, and in proper sequence, this will increase the stability of democracy (Lijphart, 1969).

The grand coalition component was originally developed as an alternative to the British model in which leaders are divided into a government with bare majority support and the opposition (Lijphart, 1977, p. 25). In such majoritarian democracies, participants will create coalitions that are just large enough to ensure winning. In this situation, politics turns into a zero-sum game. In relatively homogeneous societies with high levels of social trust and social tolerance as well as a stable democratic apparatus, this system can work relatively well (Norris, 2008). In situations where these conditions are absent and population segments are hostile, such a system can pose serious risks (Lijphart, 1999). In such a society, all decisions are perceived as entailing high stakes. Majoritarian rule concentrates decision-making in the hands of the winning majority. Therefore, it can form a threat to the stability of the governmental system. The persistent exclusion of minority groups from office in the government does not provide any incentives for the political elite to compromise, nor does it provide incentives for minority groups to accept the legitimacy of decisions made by the government. To express their demands, minority groups might be encouraged to resort to alternative channels ranging from protest to violent rebellion. This might eventually even lead to state failure.

Important to note is that a grand coalition cabinet is the prototypical consociational device in Lijphart's terms. However, grand coalitions do not necessarily have to take on the form of cabinets in parliamentary systems. By using Belgium and the Netherlands as examples, Lijphart shows how grand coalitions can also be established in other organs such as advisory councils and committees (Lijphart, 1977, p. 32). Thus, the essential characteristic of a grand coalition is not so much any specific institutional arrangement, but rather the participation of representatives of all segments of society in any significant governmental organ.

The second characteristic developed by Lijphart, the mutual veto, represents protection for minority groups included in the grand coalition. While the grand coalition allows minority segments to officially exercise political influence by providing them with the chance to present their case as forcefully as possible to their coalitions partners, it does not offer them complete political protection, as the majority may still outvote them. When this is done on a decision that will have a severe impact on the minority group, elite cooperation might still be endangered. To avoid these situations, a mutual veto right must be added. This principle gives each ethnic segment "the power of protecting itself" (Lijphart, 1977, p. 37). It can be a law that is formally agreed upon and is included in the constitution, as well as an unwritten and informal rule.

Like the mutual veto standard, proportionality is also closely related to the grand coalition principle. According to Lijphart, it has two important functions. First, it is a method of dividing civil service positions and governmental subsidies among the different segments in society. In this way, it avoids the risks of a winner-takes-all outcome which are posed by majoritarian rule. Second, it requires that the decision-making process is being carried out in accordance with the principle of proportionality. This means that "all groups influence a decision in proportion to their numerical

strength” (Steiner, 1971). Additionally, it adds a refinement to the grand coalition concept by requiring the proportional composition of cabinets and other decision-making bodies.

The final element of consociationalism is segmental autonomy. This principle represents minority rule, which Lijphart defines as: “rule by the minority over itself in the area of the minority’s exclusive concern” (Lijphart, 1977, p. 41). On matters of common interest, the grand coalition should make decisions according to the rules discussed above. The purpose of this principle is to explicitly recognize all different segments of society and use them as constructive elements for democracy.

The role of leadership is clearly a decisive element in Lijphart’s theory. However, a crucial question remains: what brings about a basic willingness to cooperate with leaders from other segmental groups? Lijphart himself proposes that “both the explanatory and predictive power of the consociational model can be improved by identifying the conditions that are conducive to overarching elite cooperation and stable non-elite support” (1977, p. 54). Indeed, in his early writings, Lijphart spends more words on the discussion of favorable conditions to consociationalism than on the characteristics of the power-sharing model (Lijphart, 1968; 1969; 1977). These conditions, however, are among the most contested elements of Lijphart’s theory. The main criticism applies to the inductive nature of the conditions. Lijphart identified factors that are conducive to consociational democracy based on a comparison of cases in which consociationalism proved to work. Jürg Steiner criticized this approach arguing that these factors “are not sufficiently interrelated, because they are not deduced from a common set of assumptions” (1981, p. 351). As a result, there is a lack of theoretical coherence. In a review of favorable conditions to consociationalism, Matthijs Boogaards shows that, in four of his publications, spread over almost two decades, Lijphart (1968; 1969; 1977; 1985) refers to a total of 14 favorable factors (Boogaards, 1998).

Other academics have made their own selection of these favorable conditions (e.g Nordlinger, 1972; Steiner, 1974). Roughly, the conditions can be divided into two categories: structure-oriented factors (1 to 6) and actor-oriented factors (7 to 11) (Schneckener, 2002). The structure-oriented factors are the following: (1) the state is not dominated by a clear majority group; (2) there are no significant socio-economic differences between the groups; (3) the groups live territorially separated; (4) there is an overarching loyalty that holds the groups together (e.g. a shared national identity); (5) there are cross-cutting cleavages that prevent the creation of homogenous groups; (6) and each group is represented by multiple political parties rather than by one single front. The actor-oriented factors can be summarized as follows: (7) the political leadership of each group is able to win internal support for the consociational agreement; (8) no party questions the power-sharing structure and the status quo agreed upon; (9) there is a tradition of compromising between elites (e.g. historic experiences of conflict management); (10) all relevant political parties are present at the negotiation table and included in the power-sharing structures; (11) and the consociational agreement was not forced upon the groups by an external actor. Ulrich Schneckener’s work (2002) has shown that a combination of these eleven factors is decisive for the success or failure of consociationalism. Here, Schneckener

demonstrates that elites play a major role in fostering a commitment to power-sharing among the different ethnic groups. In the end, the success or failure of consociationalism largely depends on “whether and how elites change their behavior over time from confrontation to cooperation” (Schneckener, 2002, p. 224). This behavior is often shaped by the nature of the institutional arrangements: they must allow for shared confidence-building and must turn politics into a positive-sum game that allows elites of all groups to present themselves as “winners” vis-à-vis their followers. The latter is primarily important in order to convince their followers of the agreement. When the elites demonstrate their determination to the power-sharing agreement, followers will be most likely to also support the agreement.

## **2.2 Consociationalism as a Solution to Ethnic Conflict – A Feasible System?**

Most experts on divided societies broadly agree that deep societal cleavages pose grave challenges for democracy. A second point of agreement is that it is more complicated to establish and maintain democratic institutions in divided societies than in homogeneous societies (Lijphart, 2004). There is, however, less consensus on how to handle such situations. Since its introduction in scholarly discourse, Lijphart’s consociational approach has received a great deal of criticism. While some critics have argued that consociationalism lacks important democratic features (e.g. Van Schendelen, 1984), others have focused on measurement issues (e.g. Barry, 1975). The main criticism relevant here is that which addresses the workability of the model.

One of the main critics of Lijphart’s theory in general is Donald Horowitz. In his work on power-sharing as a solution to ethnic conflict, he questions the very base of Lijphart’s theory which assumes that consociational arrangements facilitate peaceful coexistence of segmental groups in divided societies. According to Horowitz, this conclusion is derived from cases that have experienced conflict of relatively low intensity. He demonstrates that in parts of the world where ethnic conflict has been very intense, such as in Asia, the Middle-East, and Africa, only a minor percentage of consociationalist attempts have succeeded or lasted (Horowitz, 2000; 2014).

Horowitz argues that this “fragility” of consociationalism is due to the theory’s starting point: rival cooperation. By institutionalizing ethnic cleavages, ethnic tensions and instability increase instead of decrease (Horowitz, 2000). This claim is supported by Ian Spears’ work on ethnic-inclusive peace agreements in ethnically divided African countries. By drawing on the cases of Angola, Somalia, Ethiopia, and Rwanda, Spears (2000) shows that the ideal of moderate elite cooperation is hard to achieve from the onset. Instead, elites often use power-sharing as a strategy to strengthen their position vis-à-vis their opponents in order to eventually defeat them.

Horowitz calls this “the adoption problem”: an accumulation of bargaining obstacles which has often led to the failure of power-sharing attempts and has been ignored in Lijphart’s theory. First, there is an asymmetry of preferences among the warring parties: “majorities want majority rule;

minorities want guarantees against majority rule” (Horowitz, 2014, p. 8). Given the fact that consociationalism particularly tackles majority rule, it is not likely that majority groups support it. Majority groups rather prefer winner-takes-all outcomes to secure their power. Horowitz continues by claiming that dominant groups most often agree to consociationalism when they are “momentarily weak, often after periods of extended violence” (2014, p.8). At a later stage, when they regain power, they may leave the pact and try to overthrow the existing power-sharing regime. Second, while ethnic politics is a high-stakes game, there are strong inclinations to lower uncertainty and stay with what is familiar. Majority groups in particular can lose a great deal in negotiations on consociationalism. As they enjoy a position of political dominance, they will want to maintain their status quo. This risk-aversion hinders negotiations. Third, negotiating parties do not come to the table naked. They have biases that favor certain institutions and rule out others. Also, historical biases might induce negotiating parties to not repeat particular institutional choices. The parties might still associate these choices with past mistakes, even though conditions have changed. All these biases narrow choices. The final problem, is the availability of alternatives. This makes the adoption of a durable agreement a complicated matter. Dominant groups in particular might consider other options which are more attractive than a power-sharing agreement with minority groups.

While these problems are indeed of serious concern, it is important to say that Horowitz has not been able to offer a realistic alternative to the consociational model. In fact, the only element of his work that has attracted considerable attention addresses the majority rule component of the consociational model (e.g. Horowitz, 1991). This proposition, however, does nothing to tackle the adoption problem. Still today, Lijphart’s model therefore seems to be “the best kind of democracy that can realistically be expected” (Lijphart, 1977, pp.47-48).

### **2.3 Negotiating Consociationalism – A Complex Process**

The bargaining problems as touched upon by Horowitz deserve some more attention. Horowitz puts emphasis on the role of dominant groups in negotiating consociationalism. He argues that they play a key role in the success and failure of the power-sharing system. Horowitz’ theory, however, does not provide an explanation for the cases in which dominant groups agreed to consociationalism and committed to the obligations of the agreement. In these cases, consociationalism proved to be an enduring system.

Horowitz’ failure to clarify these “successful” cases is due to his notion of power. His claim that dominant groups agree to consociationalism when they are momentarily weak is based on the belief that these groups are usually more powerful than minority groups. Here, power is interpreted in a traditional way. One of the most used traditional definitions of power is provided by Robert Dahl who argues that “A has power over B to the extent that he can get B to do something B would not otherwise do” (1957, p. 201). In other words, A coerces B to comply with A’s rules by threatening to

impose severe sanctions for noncompliance. In this sense, the dominant group will overrule the minority groups in negotiations on consociationalism, simply because they possess most force. Most problematic to this traditional definition of power is that it raises the “structuralist dilemma”: it fails to explain the success of weaker parties in negotiating power-sharing agreements (Zartman, 1997). In negotiations, each participating party attempts to gain as much advantage as possible through the exchange of information. Typically, these are processes of offers and counteroffers. To determine the most powerful actors in these processes, the traditional definition used by Horowitz is not usable. The definition implies that the party possessing most force has no need to negotiate what it wants, simply because it is able to eliminate the opposing parties if needed. Similarly, weaker parties should want to avoid negotiating with a more powerful party, because it is expected to lose beforehand. Thus, the association of power with force rules out any other exercise of power such as persuasion and leverage (Zartman, 1997).

How can we then explain the success of consociationalism in Burundi? Was the dominant party experiencing a period of weakness indeed? Or might there be another explanation for the consent of its consent? To answer these questions, we must redefine the concept of power. The practical interpretation provided by Zartman defines power as “an action by one party intended to produce movement by another” (1997, p. 229). This definition differs from Dahl’s classic definition of power in that it acknowledges the power of other causes than the use of force. The primary advantage of this, is that it does not permit a priori judgments as to who is the most powerful party. Instead, a conclusive judgment is only allowed when an agreement has been reached and the negotiation is concluded.

The new definition of power also tackles the common wisdom that power asymmetry in negotiation processes always favors the most powerful and therefore will hinder and delay joint agreement. Zartman argues that the contrary is often true: power asymmetry is “productive of faster, better agreements” (1997, p 227). Here, perception of power is what matters. Perceived asymmetry of power among negotiating parties indeed produces different attitudes and outcomes. The more powerful – i.e. the dominant group – will want to play on the asymmetric relationship and try to dominate their counterparts. It would therefore be logical to predict that power of the weaker parties – i.e. minority parties – will diminish even more. However, contrary to this expectation, weaker parties take actions so to gain power over the outcome (Zartman, 1997). These actions level the playing field and allow weaker parties to work out results that are in their favor. As a result, asymmetry brings more efficient and better results than we initially expect. So, while power asymmetry is not completely played out to the end, it does stimulate weaker groups to step up their efforts to challenge their negotiating partners by the smart use of negotiation instruments. These instruments can be actor-related, such as noteworthy leadership skills. Weaker groups can also increase their influence by organizing in a union (Pfetsch, 2011). This will be particularly effective if it produces a winning coalition.

In light of these findings, minority groups, which are presumably “weak”, might be just as influential as dominant groups in negotiating consociationalism. In the end, successful negotiation depends on willingness among the negotiating parties to compromise. There will, however, often be actors that are not willing to compromise. These actors form a great risk to peace negotiations. Stephen Stedman considers these actors “spoilers”: “leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests” (Stedman, 1997, p. 5). Peace negotiations create spoilers, because there is an asymmetry of preferences: not all parties see peace as beneficial. Even if they do, they often strongly disagree over the terms of an acceptable peace (Stedman, 1997). As Horowitz also argued, minority groups prefer consociationalism, while majority ones do not. In such a situation, in which one party is not willing to share power, the most perfectly designed consociational institution will be useless and will fail (Sisk, 1996).

Particularly relevant for this research is Stedman’s conception of “inside spoilers”. This type of spoiler “signs a peace agreement, signals a willingness to implement a settlement, and yet fails to fulfill key obligations to the agreement” (Stedman, 1997, p. 8). They often use strategies of stealth instead of violence which allows them to keep their threat hidden as long as the peace process benefits them. Once the process has come to a point at which it starts to weaken the spoiling group’s power, they will be likely to leave the arrangements which will eventually lead to failure of the peace process.

The spoiling problem is of great relevance for this research, because it can give us important insights into the motivations of majority groups to agree to consociational arrangements. In Rwanda, for example, the warring parties signed an agreement, but it has not been able to endure, as only a few months after the signing of the agreement, the Hutu political elite – i.e. the dominant group – initiated a campaign of genocide against the Tutsis and moderate Hutus. In this case, why does the dominant group sign the agreement in the first place? According to Stedman, it is very likely that it does so for tactical reasons: if the agreement secures the party’s power, it will abide by the agreement; if the agreement appears to diminish the party’s power it will be inclined to violate its obligations. In this scenario, the spoiling group defines the stakes as all or nothing (Stedman, 1997).

All put together, there is an inconsistency between theories that explain dominant group’s consent to consociationalism. While Horowitz claims they only agree to consociationalism when they are momentarily fragile, Zartman’s theory suggests that minority groups are able to persuade dominant groups into a consociational agreement. Thus, particularly relevant for Zartman is the smart use of negotiation tactics. Parties who perceive themselves as most powerful often use a strategy of dominance over weaker parties at the start of negotiation processes. However, rather than remaining in a submissive role, weaker parties take actions appropriate to their position and gain power over the outcome. In light of this assumption, power asymmetry might be beneficial to the efficiency and effectiveness of negotiation processes. Still, negotiating peace remains “a risky business” (Stedman, 1991). The greatest risk comes from spoilers whose interests may not be secured by a peace agreement and therefore may leave the power-sharing agreement. In this research, I connect these theoretical

assumptions to the cases of Rwanda and Burundi by tracing their post-conflict peace negotiation processes. I show that when majority groups dominate the negotiations, the consociational agreement is likely to endure. Contrarily, when minority groups dominate the negotiation process, the consociational agreement is likely to collapse.

### **3. Burundi and Rwanda: An Empirical Puzzle**

To provide an understanding of the variation between the Rwandan and the Burundian cases, I describe here some critical structural features of the conflicts, their respective peace processes, and the outcomes of these processes. Knowledge on these features is needed to comprehend the context in which the two Arusha processes took place. This context is of vital importance to understand the power dynamics in the negotiation processes.

#### **3.1 Rwanda**

##### **3.1.1 A Violent Past**

In pre-colonial Rwanda, the Tutsis occupied a position of dominance. However, the distinction between the Hutus and the Tutsis was by no means hard. The two ethnic groups were not territorially separated, spoke the same language and intermarriage was not a rare phenomenon (Clapham, 1998). Colonialism changed this situation. This period represents an important critical juncture in Rwanda's political history. German colonizers, and, later, Belgian ones, attributed stereotypical characteristics to the Tutsis and the Hutus that intensified bipolar differentiation. The distinction was even formalized through colonial policy that required the inscription of "ethnic identification" on identity card. The active favoring of Tutsis in access to administrative functions incorporated the Tutsis into the structure of colonial rule. This unequal treatment further hardened the distinction between the two ethnic groups and secured Tutsi dominance (Newbury, 1995).

By the end of the colonial era, on 1 November 1959, 43 chiefdoms out of a total of 45 were held by Tutsis, and 549 sub-chiefdoms out of a total of 559 were in the hands of the Tutsis (Lemarchand, 1970, p. 125). Lemarchand argues that this Tutsi monopoly aggravated ethnic tensions in two ways: first, awareness of their power dominance made Tutsi chiefs conscious of their superior status vis-à-vis the Hutu ethnic group; second, because the Tutsi chiefs were viewed as the agents of European administration, masses held them responsible for the hardship and suffering colonial rule brought about (Lemarchand, 1970, p.125).

The ethnic tensions and the monarchy's failure to democratize its political institutions resulted in a Hutu uprising in early November 1959. The goal of this uprising was to change political personnel and thus to displace Tutsi chiefs. The November uprising represented a catalyst that set off brutal violence between the Hutus and the Tutsis. The fighting between the two ethnic groups marked the beginning of the Rwandan revolution, in which the roles of the two ethnic groups reversed.

Belgian authorities quickly reacted to the violence. On 11 November, Belgian Resident-General of Rwanda Jean-Paul Harroy declared a state of emergency in the country and appointed Belgian Colonel Guy Logiest as military resident. Logiest was tasked with re-establishing civil order, imposing curfews, and arresting suspected instigators of violence. His techniques proved to be

successful. After two weeks of violence and after only four days of Logiest appointment as military resident, calm returned to Rwanda on 15 November (Carney, 2014, p. 126). While Logiest favored relative stability in Rwanda, he justified the Hutu revolt against oppressive Tutsi overlords by referring to their right to protest. In response to the Hutu uprising, Logiest replaced hundreds of Tutsi chiefs with Hutu businessmen and academics: by late December, 23 chiefdoms and 158 sub-chiefdoms had changed hands (Carney, 2014, p.127). A vast majority of the new chiefs and sub-chiefs were members of the *Parti du Mouvement de l'Emancipation Hutu* (PARMEHUTU). The decision to change leadership in Rwanda represents a second critical juncture, as it opened a path to political influence for the Hutus in Rwanda that had been dominated by the Tutsis since Rwanda's colonization. Logiest legitimized the replacements on security grounds, arguing that the continuation of Tutsi power over a largely Hutu population would lead to further instability and violence. However, in retrospect, we must acknowledge that this decision played a major role in facilitating the PARMEHUTU's establishment of a one-party dictatorship in the 1960s. In his memoirs, Logiest wrote that "it was evident that this decision to eviscerate the Tutsi authorities had political consequences, but was this not the only means of ensuring that truly democratic elections could take place?" (Logiest, 1988, p. 60).

The communal elections of June 1960 and the first direct elections of September 1961 further increased the PARMEHUTU's political weight. In fact, the elections led to a near Hutu political monopoly with the PARMEHUTU receiving 70 percent of the votes in June 1960 and nearly 80 percent in September 1961. Shortly after the September elections, in October 1961, the newly established national assembly appointed the PARMEHUTU's leader Grégoire Kayibanda, as the new president of Rwanda. The appointment of Kayibanda as leader of Rwanda is a political focal point in Rwanda's history that not only manifested the Hutus' political dominance, but also consolidated it.

Rwanda abandoned the monarchy in 1961 and shortly afterwards became independent from Belgium in 1962. The first republic was not established without bloodshed and violence. In fact, thousands of innocent Tutsis were murdered by Hutus in what has been described as acts of genocide (Lemarchand, 1970, p. 44). These brutalities did not stop after independence. Tutsis who were forced into exile after the November 1959 Hutu uprising and who opposed Rwanda's Hutu-dominated government were often executed. The violence committed by the Rwandan government reached a peak in December 1963, when up to 10,000 Tutsis were killed in Gikongoro.

As years went by, Rwanda became a one-party dictatorship. In the legislative elections of 1965, for example, only PARMEHUTU candidates were proposed for office (Carney, 2014, p. 185). As a result, the parliament was made up of only PARMEHUTU members. The Tutsis were also systematically excluded from other official positions in governmental institutions, which secured Kayibanda's political power monopoly even further. The exclusion of Tutsi representatives during the 1965 elections and their exclusion in governmental bodies is a second important political focal point that aimed at reinforcing Hutu political power.

Even though the PARMEHUTU had eliminated its external opponents, internal rivalry emerged. One of the major clashes was between the southern Hutus, who dominated the cabinet, and Hutus from the north, who dominated the army. The northern Hutus were displeased with the government's inability to resolve the economic problems of Rwanda. Additionally, the Hutus from the north accused the southern Hutus of being too soft toward the rival Tutsi group (*New York Times*, 1973). These tensions led to a military *coup d'état* on 5 July 1973, which brought Hutu Major General Juvénal Habyarimana to power. Habyarimana was part of Kayibanda's cabinet, as he had been minister of defense since 1965. Initially, President Habyarimana was relatively moderate. Tutsis were still systematically discriminated against in public life, but they were no longer subject to widespread violence. Rwanda remained, nonetheless, a totalitarian state which prohibited opposition parties and required that all Rwandans become member of the *Mouvement Révolutionnaire Nationale pour le Développement* (MRND): the political party Habyarimana established after the coup and of which he was the sole leader (Prunier, 1995, p. 76).

Until 1990, Habyarimana's regime remained unchallenged. There were still some incidents of violence against the Tutsi ethnic group, but these were by no means comparable to the mass killings that occurred before 1973. However, Habyarimana did not do much to address the grievances of the Tutsis, nor did he respond to the demand of the tens of thousands Tutsi refugees residing in neighboring countries who wanted to return to Rwanda. The ignorance of this demand increased resentment among the Tutsi refugees and led to the creation of the *Front Patriotique Rwandais* (RPF), a rebel movement representing the Tutsis in Rwanda. The movement mainly consisted of Tutsi refugees residing in Uganda. In October 1990, it invaded Rwanda, which marked the beginning of the Rwandan ethnic war.

In the face of this threat, Habyarimana had two options: either responding to the demands of the RPF, or fighting against it. Habyarimana chose the latter. He imposed harsh measures against Tutsis within the country and openly articulated an ideology of Hutu supremacy. The imposition of these measures represents the third political focal point that confirms the path dependence of the direction taken before. While the RPF invaded Rwanda to fight for equality, Habyarimana introduced rules that harmed the Tutsis even more than before the invasion. Externally, the Habyarimana government sought aid from France, which sent weapons and military units to help fighting against the RPF (Prunier, 1995). The RPF had strong connections with President Yoweri Museveni of Uganda. Rather than that it moderated the situation, the involvement of these two external actors exacerbated tensions between the Rwandan government and the RPF (Clapham, 1998).

### **3.1.2 Rwanda's Peace Process**

From a very early stage, the international community took an active role in negotiating a solution to the Rwandan conflict. Within three weeks of the RPF invasion, Belgian Prime Minister Wilfried

Martens made an appeal for the establishment of an inter-African peace-keeping force (Prunier, 1995). This appeal was the first of a series of unsuccessful attempts to settle the conflict. In February 1991, a meeting took place between President Habyarimana and President Museveni in Zanzibar, hosted by the president of Tanzania, Ali Hassan Mwinyi. The Rwandan government offered a ceasefire in exchange for a promise by the Ugandans to persuade the RPF to reciprocate. One month later, during a meeting hosted by President Joseph-Désiré Mobutu of Zaire, the Rwandan government repeated its offer. This attempt failed as well, so the conflict ground on.

Until this point, the international community had mainly supported the established Rwandan regime. In June 1991, in the run-up to the annual African Union (AU) summit, the involvement of the international community shifted to mediation between the Rwandan regime and its opponent: the RPF. This shift in strategy resulted in the first official talks between the Rwandan government and the RPF. However, neither side showed any interest in reaching a settlement: the government was confident of victory with the backing of the French military, while the RPF was not willing to admit its defeat (Clapham, 1998).

The next stage in the peace process was triggered by political developments in Rwanda that were set off by the international community's demand for democratization. As a result of this international pressure, Habyarimana agreed to the legalization of opposition parties (Prunier, 1995, p. 126). This decision is a critical juncture, since it transformed Rwanda's single-party government into a multi-party transitional government. Quickly, a large number of political parties became active. The most important were the *Mouvement Démocratique Républicain* (MDR) previously known as the PARMEHUTU, the *Parti Social-Démocrate* (PSD), the *Parti Libéral* (PL), and the *Parti Démocrate-Chrétien* (PDC). The development motivated the RPF to set off its transformation from a rebel group to a political party that legitimately could participate in the political process. Consequently, Rwandan politics became divided between three main groups. First, the Habyarimana government and the MRND; second, the internal opposition; and third, the external opposition formed by the RPF (Clapham, 1998). In early 1992, a crucial party was added to the internal opposition: the *Coalition pour la Défense de la République* (CDR). This party pushed for a Hutu-extremist agenda and criticized the MRND for conceding too much to both the internal opposition parties and the RPF.

On 10 July 1992, the formal peacemaking process began in Arusha, Tanzania. The Arusha talks involved two formal delegations: the Government of Rwanda (GoR) and the RPF. Additionally, it involved several observing delegations from both African and Western governments as well as a UN team. Finally, there was a facilitator: Tanzanian President Mwinyi (Jones, 2001, p. 71-72). The initial goal of the Arusha talks was to establish a ceasefire. Already on 12 July 1992, the two warring parties agreed to this ceasefire. In the subsequent stages of the meetings, the delegations negotiated on the future of Rwanda's political system. A final agreement was signed by the president of Rwanda and the chairman of the RPF on 4 August 1993.

The accord established a “power-sharing transitional government” (art. 6). The power-sharing formula agreed upon would give the former ruling MRND and the RPF five positions each in the council of ministers. The remaining eleven positions would go to the smaller parties that had been created since 1991: the MDR, the PSD, the PL, and the PDC. The minister of defense would be drawn from the MRND and the minister of interior from the RPF. The prime minister and the minister of foreign affairs would be chosen from the minor parties (JEEAR, 1996). In order to reach decisions, a two-third majority, or fourteen votes in the council of ministers would be required. Thus, major political parties could not push through legislation without support from other parties. The minor parties would, in turn, also need the backing of one of the major parties to be able to act. Most strikingly, the Arusha agreement stipulated the formation of a single national army and national gendarmerie which were to be composed of both MRND and RPF forces. The division would be on a 50-50 basis, with the Hutu group retaining a small advantage in the upper ranks (60 percent) (JEEAR, 1996; Lemarchand, 2006).

### **3.1.3 Tragedy Instead of Consociationalism**

The 1993 agreement collapsed before it was even implemented. On 6 April 1994, President Habyarimana and other officials, including the Hutu president of Burundi, were killed when their plane was shot down. The Hutu extremists blamed the RPF and immediately started a campaign of mass killing. The RPF denied the allegations and said the Hutus had shot down the plane to provide an excuse for the genocide. To this day, responsibility for the attack has not been established.

In the first days of the genocide, targeted individuals from the political opposition were murdered. In the second phase, Tutsis were driven from their homes and gathered in public spaces where they were collectively massacred. Towards the end of April, authorities initiated a campaign of “pacification”. This campaign did not mean the end of murder, but greater control over violence. In the final phase of the genocide, the killing authorities turned to groups which had been spared thus far, such as women and children, and people who were protected by their statuses, such as priests and medical workers. By the end of the genocide, at least 500.000 Tutsis had been killed. This number represented approximately 77 percent of the total Tutsi population in Rwanda in 1994 (Des Forges, 1999).

The genocide ended as a result of a large-scale offensive carried out by the RPF. The Tutsi group initially carried out counterattacks in weaker regions and slowly advanced into each region. In July 1994, the RPF captured the capital of Rwanda which drove out the authorities responsible for the genocide (Des Forges, 1999). That same month, the RPF installed a new government. The party reaffirmed its commitment to the Arusha Accord. The only reform they would implement was the exclusion of the former ruling party MRND from the multi-party government. However, in practice,

the RPF imposed its dominance in the government and introduced a strong presidency. These reforms marked the beginning of return to authoritarian rule in Rwanda (Reyntjens, 2004).

## **3.2 Burundi**

### **3.2.1 A Violent Past**

During colonization and in the first years after Burundi gained independence in 1962, political divisions in the country fell primarily along intra-Ganwa lines. This group of feudal princes of mixed blood considered themselves neither Hutu, nor Tutsi, but above both groups (Lemarchand, 1996, pp. 93-95). Traditionally, centralized power resided with these princes. In this period, Hutus and Tutsi lived relatively peaceful together. The dominant cleavage was rather between the Ganwas on the one hand, and the Hutus and Tutsis on the other hand (Lemarchand, 1970, p. 35).

The 1959 Hutu uprisings in Rwanda changed ethnic relations in Burundi. The struggle for power in the neighboring country had a profound impact on the ethnic divisions of Burundi (Bowen et al, 1973, p. 2). The slaughter of tens of thousands of Rwandan Tutsis induced anxiety among Burundi Tutsis who feared they would experience the same as their Rwandan brethren. The events also strengthened Hutu ethnic identification in Burundi and inspired a small group of Hutu elites. As a result, Burundi politics and society became increasingly divided between Hutus and Tutsi. By 1965, the elites were divided along ethnic lines and ethnic considerations had become a dominant topic in politics (Abrams, 1995).

Since 1965, Burundi's history has been marked by efforts on the part of Tutsi elites to strengthen their control over the state and expand their hegemony over all aspects of society. Hutu factions have repeatedly attempted to combat these efforts and to fight against the oppression of their people. It is this fight that has activated various rounds of political and ethnic violence in Burundi.

Events in 1972 represented a dramatic escalation of the conflict. Increasing anti-Hutu provocations by Tutsi officials led to a Hutu-led uprising in the south of Burundi (Lemarchand, 1996, p.99). This uprising was, however, quickly and brutally suppressed by the Tutsi-dominated armed forces. The Tutsi regime used this as an opportunity to not only exterminate Hutu rebels, but also Hutu elites and rival Tutsi elites (Abrams, 1995). While estimates vary, it is believed that the army has slaughtered up to 250.000 Hutus in this period (Weinstein, 1975, p. 17) The army's ruthless suppression of the Hutus during the events of 1972 is an important political focal point, as it further secured the Tutsis' social, economic, and political hegemony in Burundi. The Hutus were left leaderless and traumatized (Lemarchand, 1997). Consequently, the intensity of violence between the ethnic groups remained relatively low for some sixteen years.

Meanwhile, the political stage in Burundi was going through a change. In September 1987, Pierre Buyoya seized power, deposing President Jean-Baptiste Bagaza. Diplomats described the long-simmering resentment over Bagaza's suppression of the Roman Catholic Church as the key reason

behind the coup (Harden, 1987). Buyoya wanted a more conciliatory approach to the Catholic Church in Burundi (Rule, 2010). Initially, the Burundi population expected that not much of Burundi's political organization would change. Both Bagaza and Buyoya were Tutsi, military officers, and members of the Tutsi-dominated *Union pour le Progrès National* (UPRONA), which had been the ruling party since the legislative elections of 1961. However, in 1988, the brutal suppression of a relatively small Hutu uprising by the Tutsi army was, contrary to earlier bloodbaths, strongly condemned by the international community (Vandeginste, 2009). As a result, President Buyoya was compelled "to abandon the exclusionary policies pursued since 1965" and acknowledge the existence of the ethnic conflict (Young, 2006, p. 313).

The international community's vigorous reaction pushed President Buyoya into a process of political liberalization. This process marked Burundi's first small step towards power-sharing as a mode of governance. The first concrete action taken by Buyoya was the creation of a national commission in October 1988. This commission was composed of twelve Hutu and twelve Tutsi members. It was in charge of promoting national unity. In addition, President Buyoya established a government of national unity which was composed of an equal number of Tutsis and Hutus. The government was led by a Hutu prime minister (Vandeginste, 2009). These historical reforms were accompanied by speeches of President Buyoya on the need to combat divisiveness (Reuters, 1988). In Buyoya's own words, the reforms "inaugurated a policy of power-sharing" (Buyoya, 1997, p. 82). The introduction of these power-sharing arrangements is a critical juncture in the history of Burundi before the Arusha process that opened the path to a new mode of governance in Burundi.

After these first steps towards power-sharing, Buyoya pushed Burundi further into a democratic power-sharing regime. Observers described the course of this democratization process as a careful process in which Buyoya reformed "the worst aspects of the system that produced him, while seeking to keep its functioning intact" (Uvin, 1999, p. 261). The process started with the creation of a charter of national unity (Reuters, 1990). This charter stipulated equal right for all ethnic groups in Rwanda. It was accompanied by "intense propaganda on the concept of national (ethnic) unity" (Uvin, 1999, p. 261). Once accepted, in 1991, the charter became the foundation of a new constitution.

Despite resistance at both ends of the political spectrum, the new constitution was accepted by a vast majority in March 1992. To a certain extent, the constitution was inspired by consociationalism. Burundi's constitution repeatedly expressed its commitment to national unity, but at the same time emphasized that the diversity of its population had to be considered. The constitution applied this commitment to four particular topics: firstly, to the political party system and the list of electoral candidates drawn up by political parties (art. 56); secondly, to the nomination of a presidential candidate (art. 67); thirdly, to the composition of the Burundi government; and finally, to the list of electorates of the national assembly (art. 103).

The first presidential elections after the introduction of the new and more democratic constitution, were held in June 1993. While Buyoya received only 32 percent of the votes, he received

more than double the amount of votes he could have received if only Tutsi citizens, which make up 15 percent of the Burundi population, voted for him. Thus, the elections did not follow ethnic lines. Still, presidential candidate Melchior Ndadaye and his predominantly Hutu party, the *Front pour la Démocratie au Burundi* (FRODEBU), won the elections with 65 percent of the votes (Basedau, 1999).

Initially, outgoing President Buyoya and his staff accepted the outcome and declared their loyalty to the new president. However, immediately after the presidential elections and a few weeks before the parliamentary elections, Tutsi students and Tutsi civil servants started to protest (Reuters, 1993). They were scared to become victims of the new system. These fears were reinforced by the outcome of the parliamentary elections: the UPRONA received less than 20 percent of the votes (Reyntjens, 1993).

While Ndadaye continually communicated a message of national unity, in practice, he implemented a policy of what became known as *frodébisation* (Vandeginste, 2009). Many civil servants, school directors, commune administrators, and provincial governors who belonged to the UPRONA, were replaced by Hutu newcomers belonging to the FRODEBU. This reorganization scared the incumbent elites, as they realized that they had lost control over their own reform process. The biggest fear among both the elites and Tutsi citizens, however, came from Ndadaye's plans to reform the Tutsi-dominated armed forces. Most Tutsis saw the army as their only chance of protection against Hutu violent domination (Sullivan, 2005). Less than four months after the elections, in October 1993, the tensions and fear reached a fever pitch: Tutsi extremist elements of the military assassinated President Ndadaye and several other government officials in a coup attempt. Although the coup attempt failed, mainly because of international opposition, it again set off brutal violence between Hutus and Tutsis throughout the country. Within a year, an estimated 50.000 to 100.000 people died (Reyntjens, 2004).

In an initial reaction to the coup attempt, the UN called for the restoration of democracy and the constitutional regime. The UN's mediation strategy consisted of power-sharing negotiations between a coalition of primarily Hutu parties and a coalition of primarily Tutsi parties: the *Forces du Changement Démocratique* (FCD) and the *Coalition des Partis Politiques de l'Opposition* (CPPO). The FCD was led by the FRODUBU and the CPPO by the UPRONA (Vandeginste, 2009). The Convention of Government, agreed upon at the end of the negotiation process between the two coalitions, stipulated the creation of a coalition government. This government would be composed of 55 percent FCD ministers and 45 percent CPPO ministers (Vandeginste, 2009).

While the UN praised the new arrangement, in practice, there was great distrust among the signatories and fierce resistance by extremist politicians on both sides. In fact, on the Tutsi side, a number of small parties did not sign the agreement. These parties opposed the idea of power-sharing with the Hutu political leaders. On the Hutu side, there was an important faction within the FRODEBU that rejected power-sharing with the Tutsi leader whom they considered to be responsible for the assassination of Ndadaye, the first democratically elected president. With these radical

opponents on both sides, Burundi became caught up in an ethnic war. The war was fought between armed forces which were still predominantly controlled by the Tutsi elite on the one side, and the Hutu rebel movements – *Parti pour la Libération du Peuple Hutu – Forces Nationales de Libération* (PALIPEHUTU-FNL) and *Conseil National pour la Défense de la Démocratie – Forces pour la Défense de la Démocratie* (CNDD-FDD) – on the other side (Sullivan, 2005).

On 20 July 1996, rebels carried out an attack on a Tutsi refugee camp in Burundi (*New York Times*, 1996). The attack left more than 300 people dead and 100 wounded, among which many orphaned children. Burundi's army, which was still Tutsi-dominated, accused the armed wing of the CNDD for the atrocities committed in the camp. For the army, the events in the refugee camp proved that the newly established power-sharing government was not capable of controlling rebel groups outside the government. As a reaction to the attack and the government's inability to take action, the army took over national power in a military coup on 25 July 1996. Buyoya, once again, was named president. After this seizure of power, Buyoya dissolved the parliament, prohibited political parties, and put the constitution on hold (ICG, 1998).

### **3.2.2 Burundi's Peace Process**

As a reaction to the 1996 *coup d'état* and the destabilizing effect of the Burundi ethnic war on the region, neighboring countries agreed to exert maximum pressure on the Buyoya regime and to impose economic sanctions (Daley, 2007). They demanded the restoration of Burundi's national assembly, the reinstatement of political parties, and peace negotiations between the conflicting parties. Additionally, international donors stopped providing any assistance other than emergency aid. In June 1998, the pressure and sanctions proved to be effective, as Buyoya agreed to formal peace negotiations. The negotiations started on 21 June 1998 in Arusha, Tanzania. Initially, they were facilitated by Tanzanian President Julius Nyerere. In October 1999, when Nyerere died, he was replaced by former South African President Nelson Mandela. Just as in the Rwandan process, international special envoys were invited to attend the negotiations. In the Burundi process these international actors came from the EU, the US, Canada, the OAU, Switzerland, the *Comunità di Sant'Egidio* (a Catholic NGO), and the UN (Daley, 2007, p. 343).

The negotiations led to the Arusha Peace and Reconciliation Agreement for Burundi which was signed on 28 August 2000. The agreement was signed by the Burundi government, the national assembly, and seventeen political parties. These political parties can be subdivided in two groups, one consisting of predominantly Hutu political parties (the G7), and the other consisting of predominantly Tutsi parties (the G10). Within these groups, there were other partnerships. The Burundi government, the assembly, and the majority party UPRONA, for example, closely cooperated with each other. The key political parties to the negotiations were the FRODEBU, whose dominance in the temporary

coalition was overthrown, the UPRONA, which had been the dominant party until the FRODEBU's victory and to which the coup leader was aligned, and the CNDD (Daley, 2007).

Strikingly, the Hutu rebel movements – the CNDD-FDD and the PALIPEHUTU-FNL – were absent among the signatories. Consequently, the agreement could not provide an immediate cease-fire and Burundi was left in a paradoxical position of having a peace agreement and interim government institutions without having peace (Lemarchand, 2006). A ceasefire agreement with the CNDD-FDD was reached in 2003 when the rebel movement transformed into a political party. The FNL only registered as a political party in 2006.

While, it was only a first step towards consociationalism, the 2000 Arusha agreement set the scene for the continuation of peace negotiations and prepared Burundi's current consociational constitution of 2005 (Vandeginste, 2009; Lemarchand, 2006).

### **3.2.3 Consociationalism in Burundi**

Even though, in political practice, Burundi's consociational systems has some important flaws (for detailed examination see Sullivan, 2005), the model – as firstly established by the Arusha agreement – comes close to Lijphart's theory. Five years after the Arusha agreement, Burundi had become “as close as any African state has come to implementing Lijphart's consociational formula” (Lemarchand, 2006). I show below how three of Lijphart's characteristics of the ideal consociational regime apply to the Arusha peace and reconciliation agreement and Burundi's 2005 constitution. The element of segmental authority will not be discussed, since ethnic groups in Burundi are not territorially separated and do not differ on features such as religion, language, and culture.

#### *Grand Coalition*

The Arusha agreement spelled out that “the president of the republic shall be assisted by two vice-presidents”. These vice-presidents “shall belong to different ethnic groups and political parties” (Protocol II, art. 7.4). The provision has been further articulated in article 92 and 124 of the constitution. By the appointment of both a Hutu and a Tutsi vice-president, cooperation between the segmental elites at the executive level is ensured.

Article 129 of the constitution stipulates that the government is “open to all ethnic compositions”. Additionally, it requires that at most 60 percent of the appointed ministers and vice-ministers must be from the Hutu group, and that at most 40 percent must be from the Tutsi group. Also the minister of national defense and the minister responsible for the national police may not be from the same ethnic group (art. 130).

Burundi's constitution also applies some form of consociationalism to political parties. Article 78 of the constitution articulates that political parties must be open to all Burundi citizens and that electoral candidates must not be chosen on the basis of ethnicity. The reasoning behind this approach

is that, while the conflict is fundamentally political, it has extremely important ethnic dimensions. In order to reduce the conflict potential of ethnicity, it was thus vital to avoid ethnical exclusiveness in the political parties (Vandeginste, 2009). As a result, political competition in Burundi no longer corresponds with ethnic cleavages. Instead, Burundi's political parties, which previously had an ethnic homogeneous composition, have been transformed into "consociational parties". In fact, the CNDD-FDD, the winner of the 2005 elections, is no longer an exclusive Hutu party as many of its parliamentarians are Tutsi.

### *Proportionality*

While the Arusha agreement did not address ethnic balance in the national assembly, the constitution stipulates that it must be "composed of at least one hundred deputies at the rate of 60 percent Hutu and 40 percent Tutsi" (art. 164). The deputies are elected by proportional representation with a minimum quota of two percent for representation (art. 168; art. 169). When the results of the votes do not reflect the percentages, additional members are to be co-opted under the electoral code.

With regard to the composition of the senate, the Arusha agreement did include a provision. This provision articulated that "the senate shall comprise two delegates from each province" and that they "shall be from different ethnic communities" (Protocol II, art. 6.14). To ensure the representation of the Twa ethnic group, the senate will also include three Twa delegates. These principles have been confirmed by article 180 of the constitution.

Ethnic quotas are also applied to the branches of defense and security. During the Arusha negotiations, the first step was taken towards a mixed security force. The agreement states that "for a period to be determined by the senate, not more than 50 percent of the national defense force shall be drawn from any one ethnic group, in view of the need to achieve ethnic balance and to prevent acts of genocide and coups d'état" (Protocol II, art. 11.4d). The requirement of ethnic parity in national defense and security forces has further been developed in article 257 of the constitution.

Recalling the definition of proportionality provided by Jürg Steiner (i.e. "all groups influence a decision in proportion to their numerical strength"), we note that this basic principle of consociationalism is flawed in the case of Burundi. The Tutsis only make up 15 percent of the total Burundi population. However, their representation in the national assembly, the senate, and the armed forces is much larger.

### *Veto Right*

While Burundi's constitution does not explicitly recognize veto rights that protect the interests of minorities, it does stipulate that the "national assembly may not have a valid deliberation unless at least two-thirds of the deputies are present" (art. 175). Additionally, laws can only be enacted with a two-thirds of the majority. Due to the above mentioned quotas which apply to the national assembly,

the Hutu majority of deputies can thus not approve legislation without the support of deputies from other ethnic groups.

### **3.2 Comparing the Contexts**

Having described the social and political context in which the Arusha peace process of both Rwanda and Burundi took place, we see that these contexts are very similar. In both countries, one ethnic group has dominated the political space since colonial independence. These dominant ethnic groups suppressed the other ethnic groups. In Rwanda, the dominant group was formed by the Hutus: the numerical majority in the country. In Burundi, this was the other way around: the Tutsis, the numerical minority, suppressed the Hutus. In both cases, these political power monopolies of one particular ethnic group have led to clashes between the suppressed ethnic group and the government.

The contexts are, however, not identical. There are two important differences between the political histories of the cases which deserve some attention here. First, the Rwandan political system has been dominated by the Hutus for decades. Thus, in Rwanda, the numerical majority was also the dominant political group. In Burundi, this was not the case. The Tutsis, the demographic minority in the country, have dominated the Hutus. It is important to note this difference, because it might play a role in the outcomes of the negotiation processes.

Second, Burundi experienced some form of power sharing before the Arusha process, while Rwanda did not. Regrettably, these consociational attempts in Burundi failed disastrously and widespread violence rather than political dialogue prevailed. Still, it is important to remark, because it indicates that Buyoya was involved in a process of democratization before the formal Arusha process had started. In Rwanda, this was not the case. While the country did experience change in political leadership, it did not experience any change in ideology before the Arusha negotiations.

In the following chapters, I analyze the Arusha negotiations processes of both Rwanda and Burundi. The goal is to uncover the negotiation tactics of both the dominant groups and the minority groups and in this way show how the cases connect to the theory discussed in the previous chapter. I start by sequencing the negotiation processes of Rwanda and Burundi respectively and carefully describing what the different steps of the process mean in theoretical terms. Subsequently, I bring together the findings by identifying the important features of the case which explain what has been the main motivation behind the dominant group's consent to a consociational agreement.

## **4. Rwanda: The Arusha Negotiations**

### **4.1 Sequencing the Process**

Before the formal Arusha negotiation process started, the Rwandan government had already been involved in peace talks with its opponent, the RPF. While these talks were held under international pressure and were hardly able to stop the violence between the warring groups, they did set the scene for the formal peace process in Arusha. Two formal delegations confronted each other during the Arusha negotiation process: the GoR and the RPF. The main difference between these two delegations was the level of cohesiveness. The RPF delegation was a unitary actor with no significant factions, whereas the GoR delegation was composed of members of four different political parties: the ruling party, the MRND, and the opposition, the MDR, the PL, and the PSD. Consequently, the GoR delegation had to deal with shifting interests within the delegation and had to reach internal consensus before it could negotiate with the RPF. Hence, there was not only an asymmetry of preferences between the two negotiating delegations, but also between the political parties lumped together in the GoR delegation. This issue is important in theoretical terms, since both Horowitz and Stedman consider asymmetry of preferences between negotiating parties as an important bargaining obstacle to successful negotiation on the establishment of a power-sharing regime. Thus, the GoR delegation, which was composed of the majority group as well as three minority groups, had to deal with an important internal split that affected its effectiveness as a negotiating team. Indeed, an MDR representative who was a member of the GoR delegation reportedly said that “it was easier to negotiate with the RPF than with his own delegation” (Jones, 2001, p.72).

#### **4.1.1 Settling Basic Issues**

In the first phase of the Arusha talks (Arusha I) the difference in cohesiveness among the two delegations did not yet become apparent. Arusha I addressed three key issues: a cease-fire agreement, the structuring of a UN neutral military observer group (NMOG), and the creation of the joint political-military commission (JPMC). The negotiation parties quickly agreed on a cease-fire agreement, which came into effect, as planned, on 31 July 1992. The agreement also arranged for the presence of the NMOG, composed of 50 officers from Senegal, Zimbabwe, Nigeria, and Mali. These officers were deployed in a four-kilometer long neutral zone in Rwanda and established three observation posts from which they monitored the cease-fire agreement and reported violations (Mays, 2003, p. 95). The most significant issue included in the cease-fire agreement was the creation of the JPMC. The JPMC was tasked with “ensur[ing] the follow-up of the implementation of the cease-fire agreement” and “ensur[ing] the follow-up of the implementation of the peace agreement to be signed at the conclusion of the political negotiations” (art. 4, para. 4). Thus, effectively, the JPMC did not serve as a place to negotiate, but rather as a place where complaints could be aired and problems could

be discussed without hampering the negotiations. It was composed of five representatives of the RPF, five representatives of the Rwandan government, as well as observers from the observing delegations to the Arusha negotiations.

The first round of negotiation went relatively smoothly and quickly led to the second round of talks (Arusha II). This round addressed the rule of law. Again, the negotiating delegations quickly found an agreement. Already on 18 August 1992 the parties signed the Protocol on the Rule of Law. The main explanation for the fact that the delegations found an agreement on the protocol so quickly is that they decided to only focus on broad principles in Arusha II and refer complicated issues, such as the composition of the transitional government, to the end of the negotiation process (Jones, 2001, p.80).

The third round (Arusha III) ran from 7 until 18 September 1992. During this phase, Rwandan Minister of Foreign Affairs Ngulinzira, a member of the MDR, tabled some conciliatory proposals. As a result, agreements on power-sharing, unification, and political cooperation were drafted, but not yet signed. After Arusha III, the GoR and the RPF delegations returned to Rwanda for consultation with members that did not participate in Arusha. These consultations were particularly important for the GoR delegation for two reasons. First, it could only effectively act with the support of President Habyarimana who did not take part in the negotiations in Arusha (Jones, 2001, p. 80). The delegation therefore had to set out a clear strategy together with the president before each Arusha round. Second, these periods of consultations provided time for the GoR delegation to align the standpoints of the different political parties and hereby increase its effectiveness.

#### **4.1.2 Minority Alliance Effectively Sidelines the MRND**

In October 1992, the delegations returned to Arusha for the fourth round of talks (Arusha IV). From this round onwards, the composition of the transitional government which was to be installed after the conclusion of the Arusha talks was discussed. The broad-based transitional government (BBTG) would replace the government of Rwanda. It would last for no longer than 22 months and would be succeeded by a government established through free elections. The first topic discussed with regard to the organization of the BBTG addressed the nature of presidential power. The RPF pressed for a parliamentary rather than a presidential system and therefore insisted that power resided in a cabinet of ministers and not with the president. The GoR delegation agreed to this demand. As a result, the role of the president of Rwanda would be that of a ceremonial head of state. Additionally, during this fourth round, the parties agreed to the creation of the transitional national assembly (TNA) with the power to censure the BBTG and to elect the president and the vice president of the supreme court.

From a theoretical perspective, the GoR's assent to diminish the power of the president through the adoption of a parliamentary system is surprising and represents an important critical juncture that opened up a new path. Previously, the president of Rwanda had been the head of state as

well as the head of government. Executive power thus resided with the president who could name his own government. This had secured the position of political dominance of the MRND in the Rwandan government. In line with Horowitz' theoretical assumptions, one would have expected the MRND to try to maintain the status quo in order to secure its power.

The fifth round of the Arusha process (Arusha V) commenced on 25 November 1992 and addressed the composition of the transitional institutions in the BBTG. During this round, the first major obstacle to reaching a consociational agreement became apparent. The MRND proposed to include the CDR in the transitional government. However, the RPF considered the CDR to be an extremist wing of the MRND and, as such, ineligible for the role of a political party to be included in the government. The MRND preferred the inclusion of the CDR in the government. Whether this position was motivated by Habyarimana's allegiance to the CDR, by fear of further marginalizing the group, or simply by a desire to stall the negotiation process is not clear. Nevertheless, the MRND was supported in its demand by the French and US delegations, arguing that the CDR could be better controlled inside the government than outside (Jones, 2001, p. 81). The US delegation, in particular, tried to put the RPF under pressure in order to ensure that the proposal would be accepted. The RPF, however, successfully sought support from the MDR, the PL, and the PSD. In a letter to President Habyarimana, US observers noted that the parties "formed a strong alliance and refused that the CDR, a party deemed by many members of the delegation to have a major political impact, be included in the government" (1993). Consequently, the negotiation reached an impasse. On 3 January 1993, Tanzania's principal negotiator, Ambassador Ami Mpungwe, sent a letter to the delegations in an attempt to move the negotiations forward. In this letter, he stated that if the delegations were unable to sign the protocol of agreement on the composition of government between 3 and 6 January 1993, discussion of this topic would be postponed to a later stage. From then on, the delegations continued to debate the MRND's controversial proposal. In the end, the RPF prevailed: it was concluded that the CDR would be excluded from all branches of the new power-sharing government.

Strikingly, the US observers also noticed that there was not much disagreement on the number of seats to be allocated to each political party in both the TNA and the council of ministers (1993). On 10 January, the distribution of seats was announced. The MRND and the RPF would both have eleven seats in the TNA, and the remaining seats would be proportionally distributed among the smaller parties that had been created since 1991: the MDR, the PL, and the PSD. In the council of ministers, the MRND, the former ruling party, and the RPF would get five positions each. The remaining eleven positions would go to the MDR, the PSD, the PL, and the PDC. The minister of defense would be drawn from the MRND and the minister of interior from the RPF. The prime minister and the minister of foreign affairs would be chosen from the minor parties (JEEAR, 1996).

In Arusha V, we find evidence for Zartman's assumption that minority parties can gain control over the outcome of negotiation processes by smart use of negotiation tactics. Initially, the MRND tried to increase its influence on the outcome by introducing a proposal that would be beneficial to

them. The CDR was closely aligned to the MRND. Its inclusion in the BBTG would therefore be of great interest for the incumbent elite of the MRND. However, the RPF showed that it no longer wanted to be politically dominated by the MRND and acted accordingly. By joining forces with the internal opposition parties of the GoR, the RPF put the fragility and divisiveness of the GoR delegation to good effect. The prevalence of the RPF during the negotiations on the composition of the transitional government strengthened its bargaining position. Moreover, the decision to exclude the CDR from the transitional government represents a second important critical juncture. Theoretically, it is expected that the dominant political party (i.e. the MRND) would have the upper hand in the negotiation process and that the party would do anything to maintain its dominant position. The RPF's successful refusal to include the CDR, however, shows that the MRND was no longer able to secure its dominance in the transitional institutions. Thus, the exclusion of the CDR opened up a new path that allowed for a more equal distribution of power between the two ethnic groups.

#### **4.1.3 RPF Offensive Weakens the Majority Group**

As predicted by Horowitz, it is not likely that majority groups support a process through which the majority group's power is minimized. Indeed, within days of formalizing the decision to exclude the CDR from both the government and the assembly, members of the CDR and the MRND took the streets in Kigali to protest against the Arusha peace talks (Jones, 2001, p. 82). The protesters were not only discontented with the exclusion of the CDR, but also with the distribution of seats in the assembly. The MRND was left in a 33 percent minority position, which meant that it needed the support of the opposition parties to form a majority. Theoretically, this was not impossible. However, the negotiations on the proposal to include the CDR in the power-sharing institutions had shown that it was unlikely that the opposition parties would lend support to the MRND in the assembly. The RPF, on the contrary, had already gained support from the opposition parties and was thus more likely to be able to join forces with the opposition. The Arusha process had reached a point at which it started to weaken the dominant group's power. In fact, the MRND transformed from a dominant oligarchic party into a minority party. Before the Arusha negotiations, the MRND had no need to seek for support of opposition parties. Rwanda was a single-party state with the MRND as the ruling party. The Arusha process abolished the single-party state. The MRND was no longer the sole ruling party. Instead, the MRND needed to cooperate with other political parties. Members of the MRND were displeased with this loss of power and called for a halt to the negotiations in Arusha.

The protests in Kigali were followed by widespread violence. In late January 1993, more than 300 Tutsis were killed in Ruhengeri and Gisenyi, two cities in the north of Rwanda (Prunier, 1995, p. 154). The civil violence led to a recommencement of the civil war: on 8 February 1994, the RPF launched a major offensive in the northern provinces of Ruhengeri and Byumba, the breadbasket regions of Rwanda (Jones, 2001, p. 82). The offensive led to the displacement of more than a million

Rwandans in this area, thus greatly increasing pressure on the Habyarimana regime. Within a day of the beginning of the offensive, the RPF's dominance on the ground compelled Habyarimana to ask France to send troops to Rwanda to support the army. Already on 9 February, the first French troops arrived in Rwanda. While France and Rwanda explained the deployment by claiming that the advance of the RPF threatened the capital of Rwanda, intelligence sources confirmed that the real reason was that they feared that the RPF would overrun the army (Jones, 2001, p. 83).

The RPF declared that it had launched the February offensive to protect its people from being killed. However, more was at stake than the recent massacres. In fact, similar killing had taken place since the onset of the Arusha talks. In these cases, the RPF did not intervene. Possibly, the February offensive was a strategic move. In the final round of the Arusha process an important topic would be discussed: the integration of the armies. It seems quite likely that the RPF launched the offensive to show its strength on the ground. In this sense, the RPF's intention was to scare the Rwandan government and put the GoR delegation in a position of weakness. Whatever the exact intention might have been, the offensive led to severe concerns among sections of Rwandan civil society and the Rwandan government. There were serious doubts about whether the RPF preferred peace over war. As a result, fears that the RPF was acting as an "inside spoiler" to the peace process were stirred up. In that event, any consociational agreement would be useless and destined to fail.

#### **4.1.4 The Final Agreement: Mutual Acceptance?**

While violence in Rwanda continued to prevail, negotiations in Arusha resumed. The final round of negotiations (Arusha VI) addressed two key issues: refugees and security. The repatriation of refugees was settled relatively quickly, as the issue had already been dealt with in 1991 when the parties had signed the Dar-es-Salaam Declaration on the Rwandese Refugee Problem. This declaration was simply reformulated and formed the Protocol on the Repatriation of Rwandese Refugees and Resettlement of Displaced Persons. Settling the security issue was a far more complex process. It included "the composition of a neutral military force, the integration of the armed forces into a single national army, and the composition of the army command structure" (Jones, 2001, p. 83). The composition of a neutral military was handled without much difficulty: the UN was tasked with setting it up.

Reaching a decision on the integration of the armies and the distribution of the army command positions was more complicated. In fact, these issues proved to be the largest stumbling blocks of the Arusha process. The GoR delegation submitted a first proposal suggesting a 15 percent share in the national army for the RPF. The RPF rejected this proposal outright, arguing that the distribution did not adequately reflect the percentage of Tutsis in Rwanda. The counteroffer proposed by the RPF suggested a 50-50 split. The GoR delegation rejected the offer. However, the RPF stood firm and was backed by the Tanzanian delegation. Two months of negotiations followed in which the GoR

delegation was slowly pushed towards the 50-50 split proposed by the RPF. With regards to the distribution of positions in the upper ranks of the army, the delegations agreed to a 40-60 split in favor of the government forces. Additionally, they agreed that the head of the gendarmerie would be drawn from the RPF, whereas the head of the armed forces would be drawn from the government.

On 24 June 1993, the delegations again returned to Rwanda to discuss the tentative agreement with the members that were left at their bases. During these consultations, the fragmentation on the government side became apparent again. Habyarimana and other ruling elites in Kigali rejected the agreement, which, they considered, represented another major loss of power for the MRND. Moreover, Habyarimana and his supporters saw the agreement as another sign that the RPF was acting like a spoiler and would leave the power-sharing arrangements once they were able to. Reportedly, the incumbent elite were worried about the possibility that the RPF forces would assist their political leaders in planning a coup from within, hence helping the RPF in accomplishing its “ultimate goal” of acquiring “total power” (US Department of State Review, 1993).

When the delegations resumed the negotiations in Arusha, the GoR delegation was determined to adjust the deal so that the MRND would keep the upper hand in the army. However, the RPF delegation once again proved a forceful opponent. The delegation was not willing to commit to any other compromise than the 50-50 deal to which the GoR delegations had agreed earlier. Consequently, the negotiations again reached an impasse. At this point, third-party mediation was the only means that could save the Arusha peace agreement which was almost reached. The French, US, and Tanzanian teams interceded (Jones, 2001, p. 84). The active involvement of these third parties proved to be successful. On 3 August, the parties of the GoR delegation and the RPF signed the Protocol on the Integration of the Armed Forces. In this protocol, the parties agreed to the original deal which stipulated a 40-60 split in the armed forces and a 50-50 split in the upper ranks of the national army. This deal on the integration of the armed forces is the third important critical juncture of the Rwandan Arusha process. Once again, the MRND was not able to dominate the negotiation process and reach a deal in its favor. Instead, the former dominant party was left with a deal that granted its rival party an equal share in the armed forces. Thus, the MRND did no longer solely control the national armed forces. Back in Kigali, this final protocol was met with outrage and hostility by the Rwandan national army, the ruling elite of the MRND, and the CDR. In fact, they saw the agreement as a series of RPF victories, rather than a mutually acceptable agreement upon which sustainable democracy and peace could be built (Lemarchand, 1994; Jones, 2001).

The dynamics of Arusha VI expose an important feature of conflict resolution processes that has been identified by Stedman: to establish durable peace, the warring parties must agree over the terms of an acceptable peace. Third parties can push the negotiations in a specific direction, but in the end, the warring groups bear the responsibility of carrying out the agreement. In the Rwandan case, the incumbent elite was not willing to do so. The final protocol created a situation in which a formal peace agreement was reached, but this agreement was rejected by the majority group. Stedman’s theory has

taught us that, in such a case, the creation of power-sharing institutions has no value, since at least one party involved does not acknowledge the legitimacy of the institutions. As a result, the party will not be committed to the obligations of the agreement and consociationalism will break down.

## **4.2 Analyzing the Process**

At the start of the Arusha negotiations, the MRND enjoyed all political power in Rwanda, whereas the RPF had no political power. From a theoretical perspective, the expectation was that this power asymmetry is beneficial for the outcome of peace negotiations. In line with this expectation, the RPF's successful efforts to gain control over the Arusha process would lead to an efficient and successful outcome. However, the contrary proved to be true: the Arusha negotiations created a situation of great distrust among the warring parties and great discontent among the incumbent elite of the MRND, because of its major loss of power. While the Arusha agreement did level the playing field between the warring parties, it was unable to establish a mutually-acceptable peace upon which consociationalism can flourish. Thus, Zartman's assumption that power asymmetry brings about an efficient outcome is not supported by the Rwandan case.

In essence, the final Arusha agreement represented three important victories for the RPF: first, the isolation of Habyarimana by the creation of a parliamentary system under the BBTG; second, the exclusion of the CDR in the BBTG; and third, the 40-60 division in the national armed forces. What allowed the RPF to gain so much power in the BBTG, whereas Habyarimana and the ruling MRND experienced a major loss of power? How is it that the RPF has persuaded the dominant group to sign an agreement that symbolized the end of its political power hegemony? The outcome can be explained by the RPF's superior position in both the negotiations and on the ground.

First, the RPF had much to gain from the negotiations. Since the outbreak of the Rwandan civil war in October 1990, it had been attempting to obtain political power in possession of the Rwandan government. During the Arusha process, the RPF had the same objective and thus had to demand concession from its counterparts. The GoR delegation, on the contrary, carried the burden of making these concessions. The fact that the GoR delegation was fragmented, whereas the RPF delegation acted as a disciplined and united team improved the conditions for the RPF even more.

Second, the RPF successfully confronted the majority group in the discussions on the composition of the BBTG. The causal mechanism identified here shows that, at first, the MRND tried to preserve its dominant position by attempting to include the CDR in the BBTG. However, this act stimulated the RPF to step up its efforts to challenge the ruling elite. It did so by forming a strong front with the minority groups of the GoR delegation. In effect, the RPF smartly made use of the already existing division between the groups of the GoR delegation to increase its own control over the negotiations.

Third, the RPF's bargaining position was boosted even more by the RPF's military advantage resulting of the February offensive in 1993. These events put the GoR delegation, again, in a position of weakness, as its members realized that a breakdown of the negotiation process could mean its definite defeat on the ground and thereby major loss of political power. Thus, the February offensive left the GoR delegation in a position in which it could no longer oppose the RPF's negotiation strategy. If the delegation wanted the transitional power-sharing government to succeed and maintain its share of power, compromising with the RPF was the only option left.

Despite the fact that the final Arusha agreement represented a major loss of power for the MRND, the dominant party still signed the accord. Why? Most likely, the party did so for tactical reasons: the agreement at least included the MRND in the transitional government. Not signing the agreement would most probably have led to military defeat by the RPF, which meant that they would lose all political influence. Thus, the MRND signed the agreement in an attempt to secure its position in the Rwandan government. In this regard, we do find evidence for Horowitz' claim that majority groups agree to consociationalism when they are momentarily weak. Such a motivation has proven to be disastrous for the future of post-conflict societies.

In retrospect, one might ask whether the Arusha agreement was the appropriate outcome in Rwanda. First, one might doubt whether it was wise to exclude the CDR from the negotiation process. Surely, it was clear before the negotiations started that the hardline party would pose a threat to the success of the negotiations (Stedman, 1997). Their exclusion from the negotiation therefore seemed a sensible measure. However, it also made implementation of the agreement much more complicated, because of fierce resistance on the part of radical MRND and CDR members. Second, one might also doubt whether the MRND would have agreed as easily to the RPF's demand for an equal number of cabinet positions as the ruling party were it not for external pressure. The same is true for the MRND's concession to the equal share of posts in the armed forces.

## **5. Burundi: The Arusha Negotiations**

### **5.1 Sequencing the Process**

After the July 1996 coup and Buyoya's reinstatement as president, Burundi's political elites became more divided than ever before. President Buyoya's political party, the UPRONA, regained its dominant status, but became divided between supporters of party leader Charles Mukasi, who refused to go to Arusha, and pro-Buyoya members who were willing to represent the party during the negotiations. The FRODEBU, the main Hutu political party, became fragmented between the elites which were forced into exile by the national army and opposed the Arusha process and those, still based in Burundi, who insisted that it was the only legitimate negotiating forum. Meanwhile, rebel groups, the PALIPEHUTU-FNL and the CNDD-FDD, strongly opposed to the peace talks, continued their attacks in Burundi. The violence and resistance from these groups were to no avail and the peace negotiation process began in Arusha in June 1998.

#### **5.1.1 Widespread Resistance**

The methodology chosen by the first facilitator Julius Nyerere included representatives of all 17 political parties, as well as from the national assembly and President Buyoya's government, but excluded the main rebel groups, the PALIPEHUTU-FNL and the CNDD-FDD. This exclusion was due to the fact that the groups were the result of splits in two political parties who were already participating in the negotiations: the PALIPEHUTU and the CNDD (ICG, 2000a, p. 2). Additionally, Nyerere attributed an active role to the facilitation team which was to put forward peace proposals and compromises.

The first all-party talks (Arusha I) were held between 15 June and 21 June 1998. During these talks the negotiating parties identified five broad areas of concern: the origin and nature of the conflict, democratic renewal by power-sharing; establishment of peace and security through a reform of the army; economic reconstruction and development; and international guarantees of implementation of the agreement. Additionally, the parties agreed to establish five committees which were to negotiate each issue and reach an agreement on each of them (Murison, 2004, p. 139; Daley, 2007, p. 343).

The second round of all-party peace talks (Arusha II), which started on 20 July 1998, would select the committee chairs and vice-chairs. These chairs and vice-chairs were proposed by the facilitation team. The negotiations were, however, hampered by western donors, international NGOs, and representatives of the Burundi government, who sought to influence the appointments in their favor (Daley, 2007). The political parties involved in the negotiations were displeased with this, as they believed that chairs who originated from outside the continent or who were aligned to the Buyoya government would not fully support the peace process and, more importantly, would not be impartial.

As a result, the parties did not reach an agreement on the appointment of any chair or vice-chair. The discussions were postponed to Arusha III.

In the period between Arusha II and Arusha III, that was to commence in October 1998, Mukasi, was replaced by the minister of information and government spokesman, Luc Rukingama, as leader of the UPRONA (Panafrican News Agency, 1998). The facilitation team hoped that this replacement would encourage progress at the talks. Mukasi was opposed to the peace talks in general but, more importantly, he was opposed to the inclusion of armed groups at the talks. The absence of the main rebel groups from the negotiation table made it impossible to solve key issues such as demobilization and army reform.

During Arusha III, three of the planned committees were successfully constituted: the committee which was to examine the origin and nature of the conflict, the committee on democratic renewal and power-sharing, and the committee on the establishment of peace and security. The remaining committees could not be constituted during the third round of the process, because a lack of funds forced an early end to the talks (Murison, 2004, p. 139). These final two committees – of which one was to examine economic reconstruction and development and the other was to establish guarantees of implementation of a possible accord – were constituted after October 1998.

Until this point, the focus of the facilitation team had mainly lied at structuring the negotiations. From the fourth round of talks (Arusha IV) onwards, issues of political content could be discussed. At the beginning of the talks, Nyerere appealed to the participants not to “unnecessarily prolong” the process. He added: “We cannot end this century without giving hope to the people of Burundi” (irinnews.org, 19 January 1999). Despite speculations, the CNDD-FDD and the PALIPEHUTU-FNL were still excluded from the process. A spokesman of the CNDD-FDD faction told IRIN, a news agency, that a team representing the party was en route to Arusha, but that they were still not officially invited. The Arusha IV talks were dominated by discussions on economic reconstruction (Murison, 2004). The discussions went smoothly and were concluded on 31 January. It was agreed that “the transitional government shall undertake the material reconstruction of the country with the aid of the international community, as well as the political reconstruction of the nation” (ICG, 2000a, p. ix).

After Arusha IV, the Arusha committees continued their work, but progress was slow. The process received continued criticism from the Burundi government and the FRODEBU for being “cumbersome and not conducive to agreement” (Murison, 2004, p. 139). In early May, seven predominantly Hutu parties, including the FRODEBU and the CNDD, convened in Moshi, Tanzania, in an attempt to speed up the process. During this meeting, the parties negotiated common positions on key issues of the Arusha process to minimize differences among the positions of the Hutu parties involved. These parties became known as the G7. In a response to the formation of the G7, Tutsi minority parties also decided to form a bloc: the G8. While Nyerere supported the formation of the blocs, arguing that it would simplify the negotiation process, the Burundi government condemned it. It

believed it would encourage ethnic polarization. The UPRONA, the national assembly, and the Burundi government therefore remained outside the alliances. By placing themselves outside the ethnic alliances, they tried to take on a dominant role and emphasize their role in the process.

From a theoretical perspective, one would expect the unification of the minority groups to increase their influence on the outcome of the negotiations. However, in the Burundian case we see that the dominant group reacted differently to the unification than in the Rwandan case. Rather than taking on a submissive role, Buyoya and the UPRONA, tried to emphasize their dominant role and play on the asymmetric relationship between them and the two blocs by placing themselves outside the ethnic alliances. Indeed, shortly after the establishment of the G7 and the G8, Buyoya tried to take matters into his own hands by proposing a plan for political transitional. The plan proposed a ten-year political transition and the establishment of a senate. The G7 rejected the plan. They were opposed to the introduction of a senate, which they regarded as “unnecessary, anti-democratic, and an obstacle to the sovereignty of the people” (ICG, 2000a, p. 9).

Arusha meetings resumed in early July 1999 with a fifth round of talks (Arusha V). Despite hopes that the negotiation blocs formed earlier that year would facilitate discussions, no progress was made at Arusha V. The government was displeased with the fact that Nyerere had still not invited the CNDD-FDD and the PALIPEHUTU-FINL to the negotiations and therefore reluctant to continue the negotiation process. As a result, on 17 July 1999, Nyerere concluded the talks earlier than anticipated.

To make matters worse, the security situation in Burundi was deteriorating. In August 1999, the CNDD-FDD and the PALIPEHUTU-FNL intensified their attacks around Bujumbura Rural province to protest against their exclusion from the Arusha process. The Burundi government reacted to these attacks by increasing the number of security forces in the area (irinnews.org, 31 August 1999). The security situation in Burundi was a serious concern for President Buyoya and leaders of other countries in the region. First, Bujumbura Rural province provided a great output of food crops for the whole country. Second, peace into the neighboring Democratic Republic of the Congo (DRC) looked very shaky. Third, there were reports on the movement of CNDD-FDD into Burundi and Tanzania. President Buyoya realized that talks between his government and the rebel movements were essential to ensure peace in the region and to retain his own legitimacy. Opposition among his Tutsi political base was increasing and he was under intense pressure from influential army commanders. Moreover, he was continuously criticized by the Hutus for not doing enough to counter the rebels’ attacks in which hundreds of people were being killed (irinnews.org, 30 September 1999). Buyoya’s confidence in the Arusha peace negotiation process in general and in Nyerere in particular, however, had been diminishing. His attempt to gain control over the negotiations by proposing a plan for the transitional government had failed. Moreover, Nyerere had still not responded to the government’s demand to include the rebel groups in the negotiation process. Buyoya felt that he was losing control over the outcome of the negotiations. In late August, he therefore visited South African President Thabo Mbeki and asked the South African government to play “an active role” in ending the Burundian conflict. He

argued that “South Africa’s experience in achieving a negotiated solution to its own problems could be beneficially applied in Burundi” (irinnews.org, 26 November 1999).

Buyoya’s move to involve South Africa in the Arusha process is important, because it shows that Buyoya was trying to regain control over the process and, as such, secure his position. Nyerere, as facilitator, insufficiently responded to his demands of including the rebel groups in the negotiations, which put Buyoya in a position of fragility. As the conflict ground on in Burundi, not only was the Arusha process losing legitimacy, but Buyoya’s regime was too. Buyoya hoped that a shift in the negotiation strategy of the facilitation team could move the negotiation process forward.

The sixth round of talks (Arusha VI) confirmed that the process was in a downward spiral. Major issues on the agenda, such as the future of the rebellion and the transitional government, could not be resolved. Discussions of a ceasefire were not even on the agenda (irinnews.org, 30 September 1999).

### **5.1.2 The Introduction of Mandela as Facilitator**

Nyerere died shortly after Arusha VI, on 14 October 1999. His death resulted in the suspension of the negotiation process. On 1 December 1999, representatives from Uganda, Tanzania, Kenya, Rwanda, Burundi, Ethiopia, the DRC, South Africa, Zambia, and Zimbabwe were brought together in Arusha. Their task was to choose a new facilitator which would be acceptable to all parties involved. On 3 December, Nelson Mandela, South Africa’s former president, was unanimously selected as the new Burundi facilitator. While the international community, the Burundi government, the G7, and the G8 were satisfied with the new appointee, the CNDD-FDD and the PALIPEHUTU-FNL were more cautious. Previously, the groups had accused the South African authorities of being biased, because of Buyoya’s meeting with President Mbeki.

Mandela attended his first round of Arusha negotiations (Arusha VII) in February 2000 and already took on an active role. While he condemned the Hutu rebel attacks on civilians and referred to the violence as terrorism, he also firmly criticized the Burundi government for the imprisonment of political opponents (Murison, 2004, p. 140). Additionally, he disapproved of Tutsi domination in public life and urged equal representation of Hutus and Tutsis in the armed forces. On the composition of the army, there were two competing views: on one side was the G7 which wanted a representation proportional to the demographic size of the two ethnic groups; on the other side was the Burundi government, that opposed the imposition of ethnic quotas in the military in general and wanted to maintain the status quo (ICG, 2000a, p. 12; Murison, 2004, p. 140). Proportional representation to demographic size was considered even worse by the government, as it would mean that the Tutsis received a significantly smaller share in the armed forces than the Hutus.

While no agreement was reached during Arusha VII, the process gained momentum as a result of Mandela’s direct approach. Mandela met with the leaders of the PALIPEHUTU-FNL and the

CNDD-FDD on 20 March 2000. During these meetings, Jean-Bosco Ndayikengurikiye, the leader of the CNDD-FDD, expressed his willingness to take part in the Arusha peace process. However, he put forward two “non-negotiable” conditions for his participation. First, he demanded the dismantling of the regroupment camps the Burundi government had been forcing civilians into since September 1999. The authorities claimed that the measure was intended to protect civilians, most of them Hutus, from the attacks by the PALIPEHUTU-FNL. In reality, they wanted to deprive the PALIPEHUTU-FNL rebels of the support of the local population who aided them. By eliminating the support of the civilian population, the government hoped to isolate the rebels and reduce their attacks on the capital (Human Rights Watch, 2000). Second, Ndayikengurikiye demanded the release of prisoners. He argued that “nothing is possible as long as people who voted in favor of democracy are in jails” (irinnews.org, 21 March 2000). The meeting between Mandela and Ndayikengurikiye symbolized a great achievement and step forward for the Arusha process. With the participation of the CNDD-FDD in the negotiation process, there could finally be a genuine discussion on the cessation of violence between the belligerent groups. This would increase the legitimacy of the Arusha process in Burundi. It was hoped that the PALIPEHUTU-FNL would soon follow the example of the CNDD-FDD.

At the next round of talks (Arusha VIII), which commenced on 27 March 2000, Mandela introduced Ndayikengurikiye’s demands. Additionally, he pushed for a restoration of the freedom of the press in Burundi. He believed it was essential for the success of the process, as chances for a stable peace accord would be small, unless the population was fully informed of the progress in Arusha (ICG, 2000b). Since Buyoya was still Burundi’s head of state, only he could effectively respond to the demands posed by both the CNDD-FDD and Mandela. His agreement to the demands was key to the advance of the negotiations. However, Buyoya remained reluctant. He argued that Mandela’s full support for the Hutu-dominant parties and factions would alienate the Tutsis. Buyoya’s supporters also found it unfair that Mandela put pressure on one party to the conflict. As a result of Buyoya’s unwillingness to compromise, again, no agreement could be reached.

The subsequent month, the committee on democratic renewal agreed on many issues: the establishment of a senate consisting of an equal number of Hutus and Tutsis (Protocol II, art. 6.14); the creation of two vice-president posts, each from a different ethnic group (Protocol II, art. 7.5); the attribution of a ministerial portfolio to any party obtaining five percent of the votes in elections (Protocol II, art. 7.6); the adoption of a four-fifths majority vote in the national assembly and of a two-thirds majority vote in the senate on constitutional amendments (Protocol II, art. 6.5); and full power of the constitutional court to enforce the constitution (Protocol II, art. 9.17). Decisions on electoral arrangements could not be made. Although there was consensus among the G7 and the G8 on the principle of elections by universal suffrage among the various parties, the two blocs were in strong disagreement over the organization of the elections. Most parties of the G7 wanted direct universal suffrage, whereas the G8, as well as the most important Tutsi parties, the UPRONA and the *Parti pour le Redressement National* (PARENA), and the Burundi government, wanted an indirect electoral

system. They argued that direct universal suffrage would make it impossible for Tutsi parties to win elections. Therefore, the Tutsi parties demanded measures to guarantee parity between the Hutus and the Tutsis in the national assembly. The UPRONA, for example, proposed a representation of 55 percent Hutus, 40 percent Tutsis, and five percent Twas (ICG, 2000a, p. 7). The G7 parties refused. In theoretical terms, this disagreement over the organization of the elections is important, as it shows how asymmetry of preferences between minority parties and the dominant party hinders the advance of negotiations.

### **5.1.3 A Draft Agreement**

In early June 2000, Mandela met with Buyoya in Johannesburg to discuss the unresolved issues of Arusha VIII. After this meeting, Mandela told the international press that President Buyoya was willing to remove all stumbling blocks that stood in the way of peace in Burundi: Buyoya had guaranteed to have all the regroupment camps closed by the end of June 2000 and had agreed to ensure equal representation of Hutus and Tutsis in the army (Protocol II, art. 11.4d and art. 25.2c). Initially, the G7 was displeased with this 50-50 rule. However, Mandela adopted a firm tone and stressed the G7's responsibility to keep the negotiation process going. Refusal of the plan on the integration of the armed forces could possibly mean the end of the negotiation process. Consequently, the G7 signed the protocol. While it was not the division the parties had hoped for, the 50-50 rule did guarantee basic security for any Hutu president and removed the possibility of another *coup d'état*.

As Buyoya had finally agreed to at least one demand of the CNDD-FDD – the closure of the regroupment camps – the rebel group announced that it would attend the ninth round of Arusha talks (Arusha IX) starting on 19 July. Meanwhile, the PALIPEHUTU-FNL still refused to attend (Murison, 2004, p. 140).

Prior to the discussions, on 17 July, the facilitation team distributed a draft accord to all negotiating parties (ICG, 2000a, p. 17). The accord brought together all issues agreed upon so far, but remained vague on key issues including transitional government modalities, the electoral system, and a cease-fire. Mandela hoped these issues could be resolved during Arusha IX (Murison, 2004, p. 140). To increase pressure on the parties, he announced that the date of 28 August had been chosen for the signing of the final accord (ICG, 2000a, p. 17). The signing would take place in the presence of about 50 heads of states from both African and Western countries. However, Mandela's hopes were disappointed. While the G7 proclaimed their satisfaction with the content of the draft accord, the G8 and the government opposed it as soon as they received it. On top of that, the CNDD-FDD repeated its precondition for a cease-fire and participation in the negotiations: the release of political prisoners. Buyoya and his government argued that the issue of the prisoners was more complex than it appeared. Buyoya regarded those in jail to be "armed bandits and terrorists who participated in the massacres

following the assassination of President Melchior Ndadaye in October 1993” (ICG, 2000b, p1). Thus, the parties were not able to solve the final crucial issues at Arusha IX.

To resolve the evolving crisis, the facilitation team suggested negotiations to take place between 31 July and 5 August between the leaders of the four main political groups: the CNDD, the FRODEBU, the PARENA, and the UPRONA (ICG, 2000a, p. 17). The intention was to make the negotiations on the final quarrels progress effectively by reducing the number of participants. However, the small parties protested against their exclusion. The facilitation team therefore agreed to include two additional representatives of the G8 and the G7 in the negotiations. Shortly before the negotiations, the government withdrew its participation and the meeting was cancelled. In the run-up to the negotiations on the leadership of the transition, Buyoya decided to toughen his tone and to present himself as the leader of the G8 parties (ICG, 2000a. p. 18). This decision was particularly made to affirm Buyoya’s credibility as candidate for the leadership of the transition and to remain in control of the negotiation process. Thus, the UPRONA and Buyoya attempted to regulate the negotiations in such a way that the outcome would be beneficial to themselves.

Negotiations on the existing quarrels were moved to the tenth session of Arusha talks (Arusha X). During this session the question of who would lead Burundi’s transition was supposed to be settled, but the parties failed to do so. The G7 was opposed to Buyoya’s leadership and tried to put Buyoya in a minority position. The government and the UPRONA even refused to vote on the subject. At the end of the talks, the only concrete result was the re-shaping of the parties’ positions: Tutsi parties, the UPRONA and the PARENA, officially joined the G8, which became the G10.

Despite the major obstacles, Mandela remained hopeful regarding a rapid settlement. He announced a last round of plenary negotiations (Arusha XI), to be started two days before the signing of the accord. In the intervening period, bilateral meetings between the leaders of the major party delegations took place. At this point, representatives of the smaller parties, who were excluded from these informal talks, realized that the peace process was slipping through their hands. When the CNDD leader, Nyangoma, announced his support for Buyoya as candidate for the leadership of the transition, suspicion that the small political parties had been sidelined was strengthened even more. At the same time, Minani, the president of the FRODEBU, feared being put in a minority position by the Buyoya-Nyangoma pact. The evening before signing the agreement, he therefore agreed to direct negotiations with the self-proclaimed leader of the G10 and president of Burundi, Pierre Buyoya.

#### **5.1.4 Bilateral Negotiations Lead to Final Agreement**

For almost two years, the facilitation team had tried to take into account both the Hutus’ aspiration for proportional representation in the power-sharing transitional government and the Tutsis’ fear of losing their dominant position. Nevertheless, its proposals had been rejected multiple times. Key issues relating to the organization of the transitional government were therefore referred to last-minute

bilateral negotiations between Buyoya and Minani. Decisions made during these final meetings represent an important critical juncture in the Arusha process. Although these negotiations took place behind closed doors, and no official documents or news articles ever reported on them, we know that Buyoya was more powerful than Minani. Buyoya gained much from the negotiations by including two key amendments to the draft Arusha agreement, which was to be signed on 28 August 2000: reinforced power for the transitional senate and the indefinite extension of the 50-50 rule in the Burundi national armed forces (ICG, 2000a, p. 6).

First, the extension of the powers of the senate marked a defeat for Minani. The G7 parties had opposed the introduction of a senate from the beginning of the Arusha process. The decision to establish a senate consisting of an equal number of Hutus and Tutsis, which was taken in April 2000, already was a loss for the G7. However, in the draft agreement presented in July 2000, the senate solely had functions that involved the monitoring of public administration and contributed to law-making (Protocol II, art. 6.16). The amendments introduced by Buyoya granted the senate the right to control nominations to civil service positions, posts in judicial institutions, and posts in defense forces, police forces, and in the intelligence service (Protocol II, art. 6.17). The amendments, combined with the required two-third majority vote in the senate for the appointment of these positions (Protocol II, art. 9.18), ensured that representatives of the Tutsi parties would be maintained in the leadership of those institutions.

Second, the equal representation of Hutus and Tutsis agreed upon in June 2000 was an important concession made by the G7, the G8, as well as the Burundi government. The Burundi armed forces had been dominated by the Tutsis since 1965. On the Tutsi side, “giving away” such a large percentage of posts in the army to the Hutus after so many years of Tutsi dominance was a big step. For the Hutus, it was also a concession, because their initial demand was a representation proportional to their demographic size. However, after the bilateral negotiations between Buyoya and Minani, the concession made by the Hutus proved to be even more important. The amendment agreed upon stipulated that the senate was to determine the duration of the 50-50 Hutu-Tutsi share in the national defense force (Protocol II, art. 11.4d). Thus, changes to the composition and organization of these defense forces became subject to a barrier: the senate’s consent.

Compared to these two important amendments in favor of Buyoya, Minani obtained only one seemingly minor concession: the release of all political prisoners (Protocol III, art. 25.2c). This concession was important both for the thousands of prisoners who had unjustly been detained since the 1996 coup and for Minani’s own political leadership. Minani was the leader of the Hutu people in Burundi and his duty was to protect the Hutus from any repression. Therefore, his achievement to ensure the release political prisoners of which most were Hutus, strengthened his position as leader of the Hutu community.

On the still pending questions of a permanent cease-fire and the nature on the electoral system no conclusion had been reached in the plenary discussion or the bilateral negotiations. The facilitation

team decided to simply remove the proposals contained in the accord. On the appointment of the leader of the transitional government it was only agreed that “the first transitional president and vice-president of the republic shall come from different ethnic groups and political parties” (Protocol II, art. 15.12). It was not clear how the president and the vice-president would be chosen. Therefore, no president had yet been selected when the Arusha process was concluded.

The negotiations between Minani and Buyoya ended at three p.m. on Monday 28 August, the day of the final signing. The amendments made by the two men were read to the parties in the plenary session, but had not yet been included in the text itself, because there had not been time to do so (ICG, 2000a, p. 19). The parties had not been able to read and critically evaluate the amendments and were therefore reluctant to sign. They feared that the agreements reached between Buyoya and Minani did not provide any safeguard for their future in the transitional government. However, the minority parties stood under pressure from Mandela to sign the agreement. The presence of the various heads of state increased the pressure even more. In fact, the minority parties became victims of Mandela’s deadline for signing the agreement. They were being pushed towards an agreement that contained many elements on which they had not agreed from the onset of the negotiations. However, any party refusing to sign the agreement under the watchful eye of the international community would be considered non-cooperative. The best option left for the parties of the G7 and the G10 was to simply sign the agreement, even though it was not the one they had hoped for. Contrarily, Buyoya and the UPRONA had remained in control of the negotiations until the end of the process and ended up as the major beneficiaries of the agreement.

In the end, all G10 and G7 parties signed the Arusha Agreement on 28 August 2000. However, the reservations of the parties, the refusal of the PALIPEHUTU-FNL and the CNDD-FDD to sign the agreement, and the fact that no leader had yet been chosen, clearly showed that the negotiations were not over yet. Jan van Eck, peace mediator during the Arusha process told Irin News: “The Hutus think they have an agreement and the Tutsis think they still have room to negotiate, because they signed with reservations. All the same it is a good start” (irinnews.org, 29 August 2000). So, while the accord was not able to settle the conflict completely, it did put forward a detailed and far-reaching text, in which Buyoya and his government, the UPRONA, the dominant party, and the various opposition parties agreed to lead Burundi towards peace with a power-sharing regime.

## **5.2 Analyzing the Process**

The Tutsis are a significant numerical minority in Burundi. While they enjoyed political dominance almost uninterruptedly since 1965, they have always been a numerical minority and have been under constant pressure of the Hutus, the demographic majority that has long been fighting for more political representation. The pressure from both the Hutus and the international community, which got involved in the conflict from a very early stage, weakened Buyoya’s regime. As a result, Buyoya was pushed

into a process of political liberalization that aimed at establishing a power-sharing regime in which Tutsis and Hutus would govern the country together. Even though Buyoya overthrew the first power-sharing government in the 1996 *coup d'état*, he was not able to stop the liberalization process completely. Instead, the civil war intensified and the Buyoya government became subject to economic sanctions that weakened the regime even more. Buyoya and his political party, the UPRONA, agreed to the Arusha process in a period of political instability and weakness. From a theoretical perspective, such a period of weakness is not beneficial for the position of the dominant group in negotiations on consociationalism. However, in the Burundian case, Buyoya has been able to bend the Arusha negotiations to the will of the UPRONA. What allowed Buyoya to maintain so much power in the transitional government? How is it that Buyoya has been able to secure the UPRONA's position while facing opposition from both Hutu and Tutsi minority parties? To answer these questions, we must turn to Buyoya's negotiation strategy of stressing his superiority.

In essence, Burundi's Arusha process is characterized by attempts on both the minority parties' side and the dominant party's side to gain control over the negotiations. The minority parties tried to increase their influence on the outcome of the negotiations by unification. The minority groups' effort was, however, successfully bypassed by President Buyoya who stressed the importance of his consent from the onset of the process. In fact, Buyoya did not act as an agreeable negotiation partner during all-party talks. Instead, he remained opposed to the proposals of the facilitation team. Indeed, many key issues discussed in Arusha, such as the composition of the national armed forces, the competencies of the senate, and the preconditions for the participation of the PALIPEHUTU-FNL and the CNDD-FDD, have been agreed upon during bilateral meetings with Mandela, the facilitator, and Minani, the leader of the FRODEBU. By "forcing" these bilateral negotiations, Buyoya cornered his counterparts and has been able to influence the outcome of the agreement in such a way that is most beneficial to the incumbent elite. Zartman's assumption that minority groups increase their influence in negotiation processes as a result of power asymmetry is thus not supported by the Burundian case. Contrarily, the minority parties' move to get out of their submissive role only increased the dominant party's efforts to affirm its supremacy in the negotiation process.

Still, even though Buyoya had proven to be the most powerful actor in the Arusha process, the Arusha accord signed in August 2000 significantly diminished Buyoya and the UPRONA's political power. Why did they agree? First, the deadline of 28 August set by Mandela also applied to Buyoya's government and the UPRONA. As with the opposition parties, not signing would have affected Buyoya's reputation as a man of peace. Second, Buyoya had been standing under immense international pressure since the 1996 *coup*. Not signing an agreement would lead to the renewal of economic sanctions from which Burundi's already weak economy would suffer immensely. Third, the Arusha agreement preserved the political overrepresentation of the Tutsi demographic minority in the transitional institutions. In this sense, the agreement represented the best alternative for Buyoya and the UPRONA

## 6. Conclusion

In this thesis, I have analyzed the peace negotiation processes of Rwanda and Burundi to provide insight into the motivations of majority groups to agree to a consociational regime. I showed that, in the Rwandan case, the RPF had no political influence before the Arusha negotiation process. Political power was in the hands of President Habyarimana and the politically dominant party he was aligned to, the MRND. Theoretically, it is expected that this political power-asymmetry would lead to an efficient outcome. Yet, the opposite proved to be true. I demonstrated that the minority group, the RPF, formed a strong block against the GoR delegation. From the beginning of the negotiation process, the RPF made use of GoR's divisiveness. The minority party successfully challenged the majority group by both the smart use of negotiation tactics and military victory. As a result, the final agreement represented important victories for the RPF, including the isolation of President Habyarimana, the composition of the transitional government, and the ethnic division in the armed forces. The MRND was displeased with their loss on these key issues, but still signed the agreement. The former ruling party signed the agreement in a position of weakness, as not signing would lead to their military defeat. However, President Habyarimana and his political party never showed their determination to the agreement and, most probably, signed for tactical reasons. The collapse of the agreement quickly after the signing, suggests that such a motivation tends to be an unfavorable condition for the success of that agreement.

In the Burundi, political power resided in the hands of President Buyoya and the UPRONA. The Buyoya government stood under pressure from the international community. Since the 1996 *coup d'état*, the international community had been demanding a process of democratization in Burundi. After four years of international pressure and economic sanctions, in 2000, Buyoya and his political party agreed to the Arusha process. Contrary to the power relations in the Rwandan peace negotiation process, in the Burundian case, the majority group took control of the negotiations from the onset. I showed that Buyoya successfully sidelined the minority parties by stressing his supremacy and the importance of his consent to the agreement. In fact, key decisions were taken during bilateral meetings between Buyoya and the leader of the most important opposition party, the FRODEBU. The remaining minority parties that participated in the Arusha process were not involved in these negotiations. During these bilateral negotiations, Buyoya has been able to accommodate the preferences of the majority elites in the final Arusha agreement. Even though the former ruling party had to give up a great share of power, the final agreement did preserve the political overrepresentation of the Tutsis in the transitional government. Thus, unlike in the Rwandan case, the Burundi majority elites could present themselves as “winners” of the negotiation vis-à-vis their followers.

These findings confirm the theoretical notion that majority groups play an essential role in the success and failure of consociationalism. In both cases, I found evidence for Horowitz' assumption that majority agree to consociationalism in a period of weakness. The majority group in Rwanda was

weak, because they experienced significant military losses. In Burundi, the majority group was in a position of weakness, because it had to deal with significant international pressure to democratize the country. However, weakness only is not sufficient to explain the commitment of majority groups to the consociational agreement. The case studies presented here show that the power-dynamics in the negotiation processes play a vital role in explaining the success or failure of consociationalism. In Rwanda, the minority group was a more powerful actor during the negotiations than the majority group. While the GoR delegation, and in particular the MRND, tried to dominate the negotiations, it was unable to do so. The RPF delegation was more efficient and successfully restrained the GoR delegation. As a result, the final agreement failed to accommodate the preferences of the former ruling party and collapsed. In Burundi, the majority group was the most powerful player during the negotiations. The final agreement accommodated the preferences of the dominant group and therefore has been able to subsist. Thus, if the argument is correct for other cases, majority groups might in fact make or break a power-sharing agreement depending on their negotiation tactics and their ability to influence the actual content of the agreement.

The conclusion also has important practical implications. For parties negotiating the power-sharing agreement, it is important that they take seriously their negotiation strategy. By using the right tactics, they avoid being sidelined by their opponents and can take control of the negotiations. For the parties acting as mediator during the negotiations, it is of great importance to push the parties towards a peace agreement, while leaving room for the conflicting parties to make choices autonomously.

There is always room for improvement. First, an important limitation of this research is the information used to answer the research question. There are a lot of sources on Rwanda and Burundi that were relevant for reconstructing the cases. However, all information used here, is second-hand information. It would have been very valuable to gather first-hand information too. Interviews with actors that have participated in the Arusha processes, for example, can paint the picture more clearly and can provide us with important details that might have been overlooked in this thesis.

Second, the comparison of the cases has an important flaw that should be taken into account. I have conceptualized majority groups in terms of political dominance. This means that I did not consider the demographic division that exists in society between the Hutus and Tutsis. In both Rwanda and Burundi, this division is significantly unequal: the Hutus make up a much a larger group than the Tutsis. The difference between the cases is that in Rwanda the numerical majority enjoyed political dominance, while in Burundi the numerical minority was the dominant group. This inconsistency might have an impact on the findings of this thesis. It could therefore be helpful to compare two cases in which the numerical majorities are also the politically dominant groups. This could provide a more decisive answer to the research question.

Despite its limitations, this thesis does provide suggestions for further research. First, one might further analyze the motivations of majority groups to stick to a power-sharing agreement in the years after signing of the agreement. A focus on the implementation phase of a power-sharing might

provide further insights into reasons to stay loyal to the power-sharing regime. Second, it might be useful to research whether the conclusion of this thesis corresponds with other cases in which consociationalism has been negotiated. This will show whether the assumption that a majority group's prevalence in negotiation processes on consociationalism is indeed a favorable condition for the success of the system.

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