

# The Five Negotiation Phases and the Burundian Peace Process\*

## *Müzakerenin Beş Aşaması ve Burundi Barış Sireci*

Öncel SENCERMAN\*\*

\*\*Dr. Öğretim Üyesi, Aydın Adnan Menderes Üniversitesi, Uluslararası İlişkiler Bölümü

E-mail: osencerman@adu.edu.tr

 ORCID: orcid.org/0000-0003-3701-2040

### Abstract

The intra-state conflicts have been increasingly prevalent, with a notable escalation in frequency, particularly in the form of civil wars following the end of the Cold War. These conflicts have demonstrated significant intensity, especially in Sub-Saharan Africa. Achieving resolution and restoring peace in such contexts requires substantial effort not only from the conflicting parties but also from third-party actors facilitating dialogue and negotiation. Nevertheless, the attainment of a comprehensive peace agreement through negotiation does not inherently indicate the success of the negotiation process itself. The main aim of this study is to argue that the negotiation process in the context of intra-state conflicts should not be perceived as a singular event yielding an immediate resolution. Rather, it is a protracted and multifaceted process consisting of five critical stages: pre-negotiation, preparation, negotiation proper, implementation, and post-negotiation. This study further seeks to highlight the pivotal role of the pre-negotiation phase in determining the overall success of negotiation processes. It contends that effective negotiation comprises five critical stages: pre-negotiation, preparation, formal negotiation, implementation, and post-negotiation. This study primarily seeks to address the roles of the five phases of the negotiation process in the success of the Burundian peace process, and employs case study and process tracing as research methods. The principal finding of this study is that a peace process including the five phases of negotiation constitutes a significant condition for its success. In other words, extended negotiation processes with five significant phases are more likely to yield favorable outcomes.

**Keywords:** Burundi, Negotiation Theory, Conflict Resolution, Peace Settlements.

### Öz

Soguk Savaş'ın sona ermesinin ardından özellikle iç savaşlar şeklinde ortaya çıkan ülke içi çatışmalar giderek daha yaygın hale gelmiştir. Bu çatışmalar, özellikle Sahraaltı Afrika'da yoğunluk göstermiştir. Ülke içi şiddetli çatışmalarda, çatışmanın çözümüne bariş yeniden tesis edilmesi, yalnızca çatışan tarafların değil, aynı zamanda diyalog ve müzakere sürecini kolaylaştıran üçüncü taraf aktörlerin de yoğun çabalarının gerekliliktedir. Ancak, müzakereler yoluya kapsamlı bir barış anlaşmasına ulaşmasına müzakere sürecinin başarıya ulaştığı anımlına gelmemektedir. Bu çalışmanın temel amacı, ülke içi çatışmalar bağlamında, müzakere sürecinin, hızlı ve tek seferlik bir çözüm olarak görülmemesi gerektiğini ileri sürmektedir. Aksine, bu süreç ön müzakere, hazırlık, resmi müzakere, uygulama ve müzakere sonrası olmak üzere beş temel aşamadan oluşan uzun soluklu ve çok boyutlu bir süreçtir. Bu çalışma, müzakere süreçlerinin başarısını belirlemekte ön müzakerenin önemini ortaya koymayı amaçlamaktadır ve etkili bir müzakere sürecinin, ön müzakere, hazırlık, resmi müzakere, uygulama ve müzakere sonrası olmak üzere beş temel aşamadan mürekkep olduğunu ileri sürmektedir. Bu çalışma, özellikle Burundi barış sürecinin başarısında müzakere sürecinin beş aşamasının rolünü incelemeyi amaçlamaktır ve araştırma yöntemi olarak vaka analizi ile süreç izleme yönteminden faydalananmaktadır. Çalışmanın temel bulgusu, müzakere sürecinin beş aşamayı içermesinin, barış sürecinin başarısı için önemli bir koşul teşkil ettiğidir. Başka bir deyişle, beş temel aşamayı içeren uzun süreli müzakere süreçleri daha olumlu sonuçlar doğurma eğilimindedir.

**Anahtar Kelimeler:** Burundi, Müzakere Kuramı, Çatışma Çözümleme, Barış Anlaşmaları.

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## Introduction

Burundi is a landlocked small state in the Great Lakes Region in Sub-Saharan Africa and has witnessed several conflict cycles since its independence in 1962 following the colonial administration of Belgium. Belgium's Tutsification policy (Uvin, 2009). In Burundi in the 1950s, before independence, harsh ethnic segregation between the two major ethnic groups, the Hutus and Tutsis, resulted in rebellions, power struggles, military coups, killings, massacres, and the first genocide in Central Africa. The forty-year rule of the Tutsis excluded the Hutus from power and political life. The intra-state conflict escalated into a civil war at the beginning of the 1990s, which turned Burundi into another failed state of Africa. The violent conflict lasted almost more than forty years. The efforts for normalization and democratization that started at the end of the 1980s transformed into peace negotiations between the Tutsis and Hutus to terminate the decades-long ongoing intra-state conflict, and could only succeed following two decades of peace negotiations.

This study focuses on the Burundian peace process that began at the beginning of the 1990s and lasted almost twenty years to bring peace back to Burundi; for this reason, it deals with this process, benefiting from the theoretical perspective of negotiation theory asserted by Avenhaus and Zartman (2007), Saunders (1985), Zartman (1975; 2007; 2008; 2009), Zartman and Faure (2005). The main objective of this study is to find out the role of five different phases of negotiation processes as described by the negotiation theory in the success of the Burundian peace process, ending the violent intra-state conflict cycles after signing several peace agreements. This study further seeks to highlight the pivotal role of the pre-negotiation phase in determining the overall success of negotiation processes. It contends that effective negotiation comprises five critical stages: pre-negotiation, preparation, formal negotiation, implementation, and post-negotiation. Negotiated peace agreements are not final. Negotiations are

not one-time deals. Negotiation is a process, and a long process consisting of several phases and peace agreements. Wherefore, the main research question in this study focuses on the roles of the five phases of the negotiation process in the success of the Burundian peace process. The main hypothesis based on the research question assumes that when the peace processes resolving the intra-state conflicts include the five phases of the negotiation process, the success of a peace negotiation in bringing peace increases.

The study employs case study and process tracing methods since the research topic is a historical one, and it is a single-case study focusing on the Burundian peace process started at the beginning of the 1990s. The literature on peace and conflict studies is wide, yet the literature focusing on the Burundian peace process is not satisfactory, especially regarding the different phases of negotiation for intra-state conflict resolution. What is more, the literature on Burundi and the negotiation theory is so limited in Türkiye. There are only a couple of graduate dissertations and a very small number of research articles on Burundi and the negotiation theory in the field of international relations dealing with the African peace settlements, hence this study will especially contribute into the African studies literature in general and the literature on Burundi in particular, and the literature on negotiation theory focusing on the conflict resolution for intra-state conflicts in Sub-Saharan Africa.

This study consists of two main parts. The first part deals with the five phases of negotiation asserted by the negotiation theory, and the second part focuses on the Burundian peace process, which started with the initiatives of the regional states and international organizations, followed by mediation efforts culminating in signing the Arusha Peace Accord and the other post-negotiated peace agreements.

## Five Phases of Negotiation

Negotiation processes typically unfold through a series of stages, including pre-negotiation,

Figure 1. Negotiation Stages.



Source: Sencerman (2021: 50).

agenda setting, formulation of positions, detailed negotiations, and the eventual conclusion of an agreement (Avenhaus and Zartman, 2007: 5). In certain instances, the pre-negotiation phase may solely result in an agreement on the issues to be addressed. In others, it may involve an extensive and intricate process of agenda development and issue definition. Particularly in complex or multilateral negotiations, the pre-negotiation stage tends to become increasingly difficult and prolonged, often requiring considerable time to reach completion (Avenhaus and Zartman, 2007: 5–6).

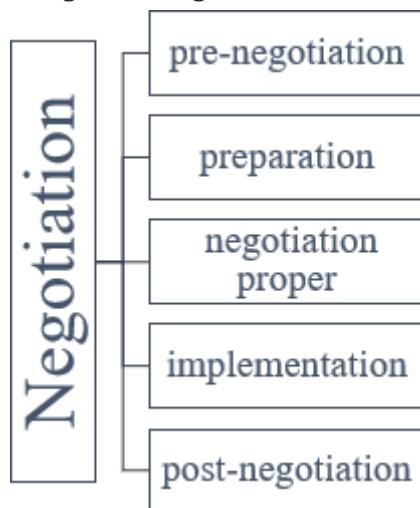
The identification of a problem originates from the mutual acknowledgment of a 'common problem' by the parties to the conflict, signifying a shared interest in conflict resolution. In the second phase, the stakeholders express a commitment to pursue a negotiated resolution before presenting a formal negotiation agenda to their respective leadership. The third phase involves organizing a specific date and venue for negotiation, during which the parties focus on both broad issues and specific details. This stage often commences with a preliminary negotiation on the negotiation process itself—an essential component of the pre-negotiation phase (Saunders, 1985: 254–261). Zartman and Faure offer an alternative three-phase model of negotiation, comprising a pre-negotiation phase, a phase dedicated to the development of a potential agreement formula, and a stage for elaborating specific details. The first phase involves establishing mutual consent to pursue a resolution and defining the issue at hand, a prerequisite even in negotiations involving non-state actors such as terrorist organizations. The second phase is concerned with the formulation of the agreement, while the final phase focuses on operationalizing the settlement through detailed

arrangements (Zartman and Faure, 2005: 4).

Informed by his involvement in the Middle East peace process, Saunders articulates a five-stage model of negotiation. His objective is to develop an analytical framework capable of systematically identifying and addressing the impediments to successful negotiation, which he presents through the five stages depicted in the diagram below.

In earlier work from the 1970s, Zartman had already articulated a framework of three "turning points" in the negotiation process that facilitate conflict resolution (Zartman, 1975: 74). The first turning point corresponds to a pre-negotiation phase in which the parties agree to initiate discussions, often informally and without assurances. The second aligns with the agreement formulation phase, during which a settlement framework is developed to define both the conflict and its potential resolution. The third turning point parallels the detail-setting phase, in which the parties articulate specific objectives to solidify the agreement (Zartman, 1975: 74–75).

The primary objective of this study is to emphasize that negotiations should not be perceived as singular events yielding immediate peace and conclusively ending conflicts. Rather, they constitute an extended and multifaceted process encompassing five distinct phases: pre-negotiation, preparation, formal negotiation, implementation, and post-negotiation (which may include follow-up, post-settlement activities, or re-negotiation). Although peace agreements are intended to terminate hostilities, they should not be regarded as definitive indicators of successful negotiations. Instead of representing a decisive rupture, such agreements often signify a transitional stage that remains susceptible

**Figure 2. Negotiation Phases.**

Source: Sencerman (2021: 51).

to setbacks and the emergence of new areas of conflict.

This study further seeks to highlight the pivotal role of the pre-negotiation phase in determining the overall success of negotiation processes. It contends that effective negotiation comprises five critical stages: pre-negotiation, preparation, formal negotiation, implementation, and post-negotiation. Accordingly, concentrating solely on the formal negotiation phase provides an incomplete understanding, as greater attention must also be directed toward the pre-negotiation stage, which may encompass preparatory activities. Particularly in the context of intrastate conflicts at their most violent peaks, a meticulously structured pre-negotiation process—one that addresses the underlying interests rather than the stated positions of the conflicting parties—has the potential to produce more favorable negotiation outcomes. Furthermore, when the factors influencing the pre-negotiation stage are thoroughly examined, this phase can significantly shape the post-negotiation period.

Based on the literature on negotiation theory put forward by Avenhaus and Zartman (2007), Saunders (1985), Zartman and Faure (2005) and Zartman (1975) as discussed above, this study asserts that negotiation consists of five main phases: preparation, pre-negotiation, official negotiation, implementation, and post-

negotiation. Figure 1 below illustrates these five main phases of negotiation.

### Pre-negotiation

Pre-negotiation constitutes the foundational phase of the negotiation process and is often referred to as the “preliminaries” or “talks about talks,” which serve to establish the groundwork and agenda for formal negotiations (Berridge, 2015: 27). According to Winham, pre-negotiation functions as a preparatory stage characterized by broad dialogue, during which parties attempt to determine which issues will be formally addressed in the negotiation process (Winham, 1989: 288). While the formal negotiation phase is typically structured and outcome-driven, the pre-negotiation stage tends to be more ambiguous and extended. Nevertheless, this open-endedness can foster creativity and innovation, particularly in technically complex negotiations (Winham, 1989: 288–302). Berridge identifies the mutual recognition of a stalemate as the true commencement of pre-negotiation, suggesting that both parties must perceive negotiated settlement as preferable to the prevailing status quo (Berridge, 2015: 29). Lilja describes pre-negotiation as a fluid and expansive concept, one that may begin as early as the initial contemplation of negotiation as a viable alternative to armed conflict, and potentially extend into the early stages of formal bargaining

(Lilja, 2011: 314). The pre-negotiation phase also holds particular significance in the context of intra-state conflicts, particularly for insurgent or rebel groups. Effective participation during this phase may reduce the likelihood of disruption by dominant actors and facilitate more inclusive dialogue (Lilja, 2011: 318).

Challenging conventional distinctions, Gewurz posits that the boundary between pre-negotiation and formal negotiation is often indistinct, with the two processes overlapping and occasionally reverting to earlier stages (Gewurz, 2000: 179–180). A similar perspective is shared by Avenhaus and Zartman, who question whether pre-negotiation should be considered merely a prelude or an integral part of the negotiation process, thereby highlighting the blurred lines between these phases (2007: 117). Gewurz also emphasizes that one of the key functions of pre-negotiation is to delineate the topics to be addressed during formal talks while simultaneously broadening the agenda to mitigate the potential for hostility between the parties (2000: 181).

Sahadevan (2006: 259) underscores the critical importance of the pre-negotiation phase within the broader negotiation process, emphasizing that a well-executed pre-negotiation can facilitate a constructive beginning to formal talks. Conversely, an ineffective pre-negotiation may impede the timely initiation of official negotiations. He contends that this phase plays a pivotal role in structuring and shaping the formal negotiation process and significantly influences whether the ensuing negotiations succeed or fail. According to Aggestam (2005: 278), pre-negotiation enables political actors to prepare for direct negotiations and serves as the onset of a de-escalation phase, which is essential for reducing tensions and fostering a conducive environment for resolution.

Zartman (2008: 118) refers to the early phase of negotiations as the “diagnostic stage,” which serves as a preliminary step before formal discussions, wherein parties begin exploring

the contours of a possible settlement. Zartman (2012) identifies several core functions of the pre-negotiation phase, including cost and risk evaluation, agenda formulation, selection of participants, mobilization of support, and the facilitation of initial contact. During this stage, conflicting parties can assess the potential costs and risks associated with a negotiated agreement, determine the structure and priorities of the formal negotiation agenda, choose appropriate representatives, secure support from key constituencies, and establish informal lines of communication that enable the exchange of information and perspectives.

According to Stein (1989: 438), the significance of the pre-negotiation stage lies in three primary areas. First, it exerts a considerable influence on subsequent phases of the negotiation process. Second, it shapes long-term inter-party relationships and contributes to a broader learning process, wherein these relationships may be redefined, strengthened, or weakened. Third, the pre-negotiation phase can yield important outcomes that are independent of formal progress at the negotiation table. Fisas (2012: 28–29) observes that peace processes are typically protracted, as demonstrated in the cases of Guatemala and Ireland, often requiring a decade or more. During this extended period, parties engage in exploratory efforts, such as information gathering, communication, preliminary ceasefire discussions, and joint meetings, to strengthen the basis for negotiations. Pre-negotiation enables such preparation, offering time to cultivate public backing, explore potential compromises, and equip political leaders with a clearer understanding of feasible concessions, all of which improve their capacity to pursue de-escalation and formal negotiations.

This phase within the Burundian peace process starts with the regional and international mediation efforts in the mid-1990s, which resulted in one agreement and two declarations emphasizing the pre-negotiation process in

Burundi. The Declaration of the approved political parties and the government against warmongers and in favor of peace and security was adopted in July, 1994. Following this declaration, the Agreement embodying a convention on governance between the forces for a democratic change and the political parties of the opposition was signed on September, 1994. Finally, ending the pre-negotiation period before the actual talks in Arusha another declaration by the participants to the peace negotiations was adopted in June, 1998 (Bell and Badanjak, 2019).

### **Preparation**

Preparation constitutes a critical factor in determining the outcome of a negotiation, often distinguishing success from failure. Salacuse underscores the pivotal role of preparation in achieving positive negotiation outcomes, asserting that "the difference between a successful and unsuccessful negotiation lies all too often in the quality of the parties' preparation." He further explains that negotiations may falter or fail to yield optimal outcomes primarily due to inadequate preparation by one or both sides (2008: 46–47). To ensure a productive pre-negotiation process, Salacuse outlines a seven-step preparatory framework: (1) setting clear objectives, (2) assembling an effective team, (3) researching the opposing party, (4) exploring available options, (5) identifying core interests and considering those of the counterpart, (6) clarifying key issues, and (7) developing preliminary proposals that aim at mutual benefit (2008: 47–64). According to this structure, the initial task is to establish strategic priorities based on the party's interests. This is followed by the formation of a capable negotiation team, which may be divided into two groups: those directly engaged in negotiation and those providing analytical and logistical support (46–53). The third step emphasizes gathering intelligence on the opposing party to inform strategic decisions. In the fourth stage, Salacuse highlights the significance of the Best Alternative to a Negotiated Agreement (BATNA), stating that knowledge of one's BATNA enhances both

confidence and bargaining power (53–58). The fifth step shifts the focus to underlying interests rather than fixed positions, promoting a more constructive dialogue (58–62). The sixth involves pinpointing the issues to be addressed and preparing to engage with potential challenges (62–63). Lastly, the seventh step encourages the formulation of proposals that align with both parties' interests, potentially serving as a foundation for a draft agreement (63–64).

In a similar vein, Tomlin introduces a four-step model for preparation: problem identification, exploration of options, commitment to negotiation, and formal agreement to negotiate (1989: 258–260). The first step entails recognizing and assessing a problem, which typically arises from shifting events or conditions, followed by an initial evaluation of potential responses, negotiation being one such option (258–259). The second phase involves the decision to pursue negotiation as a viable approach to address the identified problem (259). In the third step, the parties move from deciding whether to negotiate to determining the substance and methods of negotiation (259). The fourth and final step reflects a formal commitment by the parties to resolve their conflict through a negotiated solution (260). Salacuse reiterates the decisive impact of preparation in his later work, affirming that the level of preparation often determines the success or failure of negotiations. He emphasizes that breakdowns in negotiation outcomes are frequently attributed to one or both parties' lack of effective preparation (2013: 133).

This phase within the Burundian peace process can be considered together with the next phase below (negotiation proper) since it includes the preparations made by the parties before and during the Arusha Negotiations in 2000.

### **Negotiation Proper**

This stage marks the commencement of official and public negotiations. Following the preparatory and pre-negotiation phases, formal discussions begin with the involvement

of appointed negotiators and delegations at a designated venue, frequently under the guidance or facilitation of third parties. At this juncture, the process becomes public, and the confidentiality previously maintained among negotiating parties and mediators is lifted. The structure and conduct of the negotiation process play a crucial role in shaping its outcome—a consensually developed agreement. The negotiation is deemed either successful or unsuccessful depending on whether an agreement is reached. Mediation and power-sharing constitute critical components of proper negotiation processes. The subsequent sections will examine these elements in detail.

### Mediation

The involvement of third parties is a critical strategy in advancing conflict resolution efforts, with mediation forming the cornerstone of such involvement. Mediation is classified among third-party intervention strategies; however, it does not entail the use of force or supporting one side over the other (Zartman, 2008:155). Korobkin also notes that involved parties often seek assistance from impartial facilitators when making such decisions, and he characterizes mediation as “facilitated negotiation,” distinguishing it from adjudication and arbitration due to its closer resemblance to negotiation processes (2002: 344). Additionally, Zartman conceptualizes mediation as a triangular relationship, wherein the mediator simultaneously serves as a communicator facilitating dialogue, a formulator articulating messages and exerting subtle pressures, and a manipulator challenging and reshaping the dynamics between the disputing parties and themselves (2013: 18).

Horowitz defines mediation as the involvement of a third party who is impartial, trustworthy, and uninvolved in the dispute, with the intention of remaining neutral (2007: 51). The principal aim of mediation is to halt ongoing conflict and replace it with a peace agreement that aligns with the interests of the mediating third party. Mediation offers flexibility, allowing parties to

freely choose whether or not to accept proposals presented by the mediator (155). Sahadevan (2006: 259) contends that successful mediation is contingent upon the third party's ability to influence the attitudes, interpretations, and preferences of the disputing parties toward a peaceful settlement. Although the mediator plays a significant role in this process, Sahadevan notes that this role is not uniform across all internal conflicts. It varies based on the mediator's nature, power, and relationship with the involved parties (259). Nonetheless, it is evident that third parties, particularly when serving as guarantors of peace agreements, can significantly facilitate both implementation and communication by providing a secure environment for the enforcement of the settlement (Hartzell and Hoddie, 2007: 104).

Mediation is often regarded as a preferable alternative to prolonged conflict, as it offers the potential for a mutually acceptable resolution that direct negotiations may fail to deliver (Avenhaus and Zartman, 2007: 161). Zartman contends that even if one party is reluctant to engage with a third party, the other may accept mediation out of concern that rejecting it could damage relations with the mediator and diminish the likelihood of reaching an agreement—thus prolonging a costly conflict (161). Another motivating factor for engaging in mediation is the expectation that it can reduce the risks associated with making concessions and alleviate the ongoing burdens of the conflict. Mediation is also perceived as providing a form of assurance or guarantee for the eventual establishment of a binding agreement (161).

Touval (2002: 170) argues that mediation alters the structure of negotiations by shifting them from a bilateral to a trilateral dynamic with the inclusion of the mediator. This shift not only redefines the negotiation process but also modifies the balance of power, as discussions now occur between the disputing parties and the mediator. The mediator's influence is contingent upon their relative strengths and weaknesses,

offering an alternative communication pathway between the opposing sides. Touval (2002: 170) likens the mediator's role to that of a negotiator who employs both incentives and pressure to influence outcomes. He further emphasizes that mediation is inherently voluntary, with parties retaining the freedom to accept or reject both the mediator and any proposed solutions (Touval, 2002: 170).

Mediators are impartial external actors whose role is to facilitate the negotiation process toward a mutually agreeable resolution. Their function does not include imposing solutions (Raiffa, 1994: 23). Unlike arbitrators, mediators do not deliver binding decisions; however, more influential mediators may occasionally propose solutions and exert pressure to encourage acceptance (Raiffa, 1994: 218). A mediator may offer potential compromises as alternatives to a negotiation breakdown (Raiffa, 1994: 23). In addition to suggesting new proposals, mediators contribute significantly by providing face-saving options and maintaining open communication channels (Raiffa, 1994: 109). A mediator plays a pivotal role in negotiations, emphasizing that the objective is conflict resolution rather than victory (Raiffa, 1994: 219). Beyond mediating between parties, a mediator may draft a preliminary agreement, allowing negotiators to amend and refine it during separate sessions (Raiffa, 1994: 219). Mediators may be internationally respected individuals, yet they are typically supported by a team of technical and professional experts. While the mediator often receives public recognition for leading the discussions and bringing visibility to the process, their success is highly dependent on the contributions of the support team, which is a critical component of any mediation effort (Armengol, 2013:5).

In addition to international or regional organizations, individuals of international stature, and various agencies, civil society actors can also serve as mediators. For instance, the People's Consultative Group in Assam, India,

engaged in dialogue with the United Liberation Front of Assam, and civil society representatives participated in observing peace talks between the Colombian government and rebel factions during the Caracas and Tlaxcala negotiations (Armengol, 2013:6). Similarly, religious institutions, political figures, or technical staff may assume observer or confirming roles. Examples include the Church's involvement in talks between the Philippine government and the Moro Islamic Liberation Front (MILF), and former US President Bill Clinton's participation in peace negotiations between Israeli Prime Minister Ehud Barak and Palestinian leader Yasser Arafat (Armengol, 2013: 6-7). The role of third-party mediators is not confined to major powers or those with direct stakes in the conflict. States of various sizes—including Australia, New Zealand, Norway, and Switzerland—as well as international non-governmental organizations like the Community of Sant'Egidio, actively engage in mediation efforts, particularly in regions such as the Middle East, Africa, and the Asia-Pacific (Hampson et al., 2007: 39). These actors not only facilitate negotiations but also remain involved during post-agreement peacebuilding efforts (Hampson et al., 2007: 39). Regional and international entities—including the UN, the Organization of African Unity (OAU), and transnational organizations like Amnesty International—play pivotal roles as mediators. Their involvement is underpinned by formal treaties and regular intergovernmental meetings that guide their objectives and collective interests (Bercovitch, 2002: 13).

Pruitt (2005: 258) adds that mediators commonly function as intermediaries in communication, particularly in violent conflicts where direct contact is absent. They may also serve as political buffers, enabling principals to remain removed from the negotiation process while leveraging intermediaries to advance their positions. Mediators contribute to solution-building by fostering trust and sharing values with participants. As trust tends to be stronger among closely linked intermediaries, such configurations

can enhance influence and acceptance of proposals. Parties are often more receptive to suggestions from mediators than from their adversaries, which facilitates compromise and consensus (Pruitt, 2005: 258).

### **Power-Sharing**

According to Mezzera et al., power-sharing provisions are predominantly present in peace agreements that resolve conflicts rooted in ethnic divisions and violence, as opposed to comprehensive settlements (2009: 11). Hartzell and Hoddie argue that peace agreements incorporating institutionalized power-sharing mechanisms are more likely to lead to sustained peace. They maintain that such arrangements indicate a strong commitment from the conflicting parties, as the significant investment of time and resources into institution-building discourages a return to violence (2007: 41). Thus, the establishment of power-sharing institutions acts as a costly but stabilizing factor that reinforces adherence to the peace process.

Fisas observes that nearly half of all negotiation processes involve power-sharing arrangements, while the remaining half revolve around autonomy and identity claims. These elements often form the foundation of the conflicts and, by extension, of the negotiations themselves (2012: 88). For this reason, understanding the initial positions and underlying needs of the parties is crucial, as these real or hidden interests are what typically drive the conflict (Fisas, 2012: 88). Despite their potential, power-sharing provisions are among the most delicate elements of peace agreements. Their success largely depends on maintaining a balance of power between the opposing sides, both before and after the agreement is signed. Any shift in this balance, such as through uncalculated international intervention, risks reigniting the conflict (Mezzera et al., 2009: 31). Hoddie and Hartzell emphasize that the purpose of implementing power-sharing and power-dividing frameworks is to prevent any single party from dominating

the post-conflict environment and using its power to undermine the interests of others (2003: 306). Nonetheless, these frameworks often fail, with one party eventually seizing governmental control (Hoddie and Hartzell, 2003: 306).

Typically emerging from civil war contexts, power-sharing agreements involve the dominant side making concessions to secure cooperation from weaker factions. Rothchild describes this dynamic as a shift from adversarial relations to a coalescent model of governance, wherein the principal actors are included in a unity government under mutually agreed-upon rules (2005: 249). Institutions built on these agreements serve to promote societal integration, enhance security, and reassure all involved parties—including potential spoilers—of their future political inclusion (Falch and Becker, 2008: 10). This institutional approach is perceived as a legitimate peacebuilding strategy, reducing the need for external intervention and signaling the parties' willingness to reconcile. However, the concessions that follow such arrangements may generate fear and resentment among extremist factions, as demonstrated by the Hutu reaction to the power-sharing agreement with the Rwandan Patriotic Front during the 1994 genocide (Martin, 2013: 335–336). Although power-sharing is not universally viewed as a sustainable solution, particularly in the context of African civil wars, it does play a vital role in enhancing minority protections, ensuring political representation, and promoting security (Rotchild, 2005: 261).

The negotiation proper phase in the Burundian case is actually the real talks between the parties to the conflict during the Arusha Negotiations, which resulted in a mutually agreed and signed peace agreement, the Arusha Accord following the mediation efforts by famous mediators and further negotiations for powersharing issues.

### **Implementation**

In negotiation processes, parties aim to arrive at a mutually acceptable solution, typically formalized through an agreement. However,

such agreements are not inherently conclusive; rather, they necessitate effective implementation, which in turn requires the inclusion of precise clauses and frameworks to facilitate this phase. The implementation of a negotiated agreement can either result in success or failure. The following discussion outlines the primary causes of implementation failure, followed by the conditions conducive to successful implementation.

Salacuse identifies five principal reasons why negotiated agreements may fail during implementation: the presence of flawed provisions within the agreement, shifts in contextual conditions, mutual distrust and potential deception, insufficient resources, and the absence of comprehensive planning (2013: 204). Agreements often falter due to ambiguities or poorly articulated terms, which leave space for misinterpretation. Furthermore, the dynamic nature of political and social contexts necessitates the foresight to anticipate changes and to embed mechanisms within the agreement for adaptation. Trust, which is essential throughout the negotiation process—especially in its early stages—remains critical during implementation. Where trust is lacking, or where one party has engaged in negotiations deceitfully to serve ulterior motives (e.g., to buy time), the process is likely to collapse. Effective implementation also depends on the availability of resources—such as personnel, funding, time, and technology—which are often scarce, particularly in post-conflict scenarios. In many instances, third parties pledge financial or logistical support to incentivize peace, yet failure to deliver these resources can derail the process. Lastly, the absence of structured implementation plans increases the likelihood of failure (Salacuse, 2013: 204–206). To enhance the prospects of effective implementation, Salacuse recommends a systematic approach. This includes proactively addressing potential challenges, fostering mutual trust through knowledge-sharing, open communication, strong commitments, and mutual respect, and

involving leadership figures in the process. Detailed planning, the identification of initial cooperative measures, third-party involvement, and provisions for future renegotiation are also key to reinforcing implementation (Salacuse, 2013: 206–210).

Typically, implementation involves the creation of supervisory bodies such as commissions or committees, which oversee the enforcement of specific elements of the peace agreement—ranging from power-sharing arrangements and economic matters to refugee resettlement. In some cases, peacekeeping forces, often under the auspices of the United Nations or regional entities such as the African Union, are deployed to ensure security and compliance.

The Burundian peace case includes one implementation agreement – that can also be considered as a renegotiation agreement – and three different declarations following the signed peace agreements. The Pretoria Protocol was signed as an implementary agreement following the Arusha Accord and three declarations were adopted following the Dar-es Salaam Agreement. The Declaration of the Summit of Heads of State and Government of the Regional Initiative on the Peace Process in Burundi and Magaliesburg Declaration on the Burundian Peace Process were adopted in 2008. The last one as the statement by the Political Directorate of the Peace Process in Burundi on the process of implementing the joint decisions taken in Pretoria was adopted in April, 2009 (Bell and Badanjak, 2019).

### **Post-Negotiation (Re-negotiation)**

The post-negotiation stage, frequently referred to as renegotiation, encompasses three main types: post-deal, intra-deal, and extra-deal renegotiation (Salacuse, 2008: 163). Post-deal renegotiation occurs after the expiration of an agreement, prompting the parties to re-engage in negotiations. Intra-deal renegotiation takes place while the original agreement remains in effect and may occur periodically or in response to emerging needs. Extra-deal renegotiation

happens when an agreement is breached or when no renegotiation provisions were initially stipulated (Salacuse, 2008: 163-164). This stage is also described as “talks after talks,” encompassing formal dialogues that follow the core negotiation phase. These discussions allow the parties to revisit or address interests that were not previously articulated—either because evolving circumstances have shifted priorities, or because certain concerns were deliberately postponed. Renegotiation may also be required if anticipated in the original agreement or as part of a feedback mechanism responding to implementation challenges.

This phase includes the further negotiations (renegotiations and renegotiation agreement) following the Arusha Accords signed in 2000 and the other declarations, which were meant for the implementation of previous agreements.

### **Burundian Peace Process**

Violence in Burundi, which erupted immediately following its independence in 1962, persisted until the early 1990s, marked by recurring cycles of killings and massacres approximately every decade. The outbreak of violence following the 1993 coup attracted the attention of both regional actors and the broader international community. Efforts led by regional African leaders, driven by concerns over the conflict’s destabilizing impact, initiated peace negotiations (Daley, 2007: 334). Initially supported by Western nations, these efforts eventually evolved into a regionally-led peace process, notably with Tanzania and South Africa playing key roles as mediators. These countries brought their regional experience to the negotiation table, thereby regionalizing the mediation process (Daley, 2007: 311).

Following the assassination of President Ndadaye, his successor Ntaryamira died in a plane crash alongside the Rwandan president. In response, a power-sharing coalition was established in September 1994 as an attempt to curb the ongoing civil conflict. However, the military staged a coup, reinstating former President Buyoya, even as the

government appealed for international military intervention to quell the violence (Anonymous, 2000). The peace process continued for over a decade, culminating in 2005, involving multiple actors—international, regional, and domestic—including non-governmental organizations (NGOs). Although both the United Nations and the European Union participated in mediation efforts, their initial attempts were unsuccessful. It was only when leaders from Tanzania, Kenya, Rwanda, Uganda, Zambia, Ethiopia, and Zaire imposed sanctions and demanded the re-establishment of parliament that regional pressure began to shape the outcome (Wilén, 2012: 68).

This part below focuses on the Burundian peace process that started in mid-1990s and analyzes the different steps taken within the process through the lenses of the negotiation theory as asserted above in the first part. Since this study asserts that a successful negotiation process consists of five basic phases, it below highlights the five phases of the Burundian peace negotiations.

### **Pre-negotiation Phase**

This phase within the Burundian peace process includes the regional and international efforts for the official negotiations between the conflicting parties. This phase stands as the preliminaries and “talks about talks” sessions aiming to extend and facilitate dialogues between the parties to the conflict. Since this phase is a diagnostic one for learning it consists of several occasions aiming to bring the parties together most of the time with the efforts of facilitators and mediators.

### **Regional and International Mediation**

#### **Efforts for the Burundian Peace**

The global attention toward the Hutu combatants’ struggle in late 1995 and 1996 was largely due to their effective military confrontations with the Burundian army and growing international pressure urging dialogue between the conflicting sides (Krueger and Krueger, 2007: 276). Regional states proposed two main strategies for achieving peace in Burundi: deploying a peacekeeping

mission and imposing regional sanctions to pressure the Burundian government. However, the former was rejected by the military and Tutsi political factions (Daley, 2007: 338–339). The latter, as will be discussed further below, also proved to be ineffective in advancing the peace process.

Following the assassination of the Front for Democracy in Burundi (FRODEBU) leader, both the Organization of African Unity (OAU) and the United Nations (UN) intervened. The UN initiated mediation between FRODEBU and Union for National Progress (UPRONA), appointing Ahmedou Ould-Abdallah as Special Representative to the Secretary-General (SRSG). Ould-Abdallah facilitated a power-sharing accord known as the “Convention of Government,” which proposed allocating 55% of cabinet positions to the Hutus and 45% to the Tutsis. Although intended to replace the 1992 Constitution and formalize a coalition with a FRODEBU president and UPRONA prime minister (Khadiagala in Boulden, 2003: 221; Boshoff et al., 2010: 6), the Convention ultimately lacked the capacity to reinstate FRODEBU’s political authority. It was effectively a supplementary document to the March 13, 1992 Constitution, outlining a transitional governance arrangement (Boshoff et al., 2010: 6; Vandeginste, 2009: 69). The Convention facilitated an inclusive decision-making process by integrating major political parties (Falch and Becker, 2008: 12). It also mandated the creation of a National Security Council comprising ten members from government, political parties, and civil society to reform the political system (12). However, the Convention failed to end the violence, as killings persisted and political divisions remained evident by 1994 (Curtis, 2003).

As a result of the Convention’s failure, some Hutu politicians rejoined armed groups such as National Council for the Defense of Democracy (CNDD), Party for the Liberation of the Hutu People (PALIPEHUTU), and National Liberation

Front (FROLINA). Although Ould-Abdallah attempted to mitigate the political crisis, the inability of FRODEBU and UPRONA to satisfy either ethnic group led to intensified Hutu insurgent activity in rural areas (Wolpe, 2011: 10). The initial peacemaking initiatives led by Ould-Abdallah under UN auspices marked the beginning of formal efforts to address the conflict (Barltrop, 2008: 16). Despite a power-sharing agreement brokered by the UN—referred to as the Kigobe and Kajaga Convention of Government in 1994—and the subsequent formation of a new government, the administration under President Ntibantunganya failed to fulfill its obligations. This failure deepened the crisis, culminating in increased violence, widespread looting, proliferation of armed factions, and a coup by former president and military leader Buyoya (Hajayandi, 2015: 144).

The mediation led by Ould-Abdallah centered on four key goals: restoring democratic institutions following the attempted coup, facilitating dialogue among conflicting parties, establishing a commission to investigate the events of October and subsequent massacres, and collaborating with the OAU (Khadiagala, 2007: 53). In January 1994, he secured an agreement that named Ntaryamira as president and provided Tutsis with 40% representation in the cabinet. However, the agreement failed to resolve the conflict and instead exacerbated the political crisis, particularly after the deaths of Presidents Ntaryamira and Habyarimana in a plane crash, which shifted international focus toward the Rwandan genocide (53). Although a symbolic peacekeeping mission and UN-brokered agreements were implemented, violence escalated. A new phase of regional intervention commenced in 1996, led by former Tanzanian president Julius Nyerere, who initiated peace talks between FRODEBU and UPRONA. The first round of negotiations quickly collapsed due to continued armed conflict between the Burundian military and Hutu militias (Boshoff et al., 2010: 6; Piombo, 2010: 250–251).

Given the limitations of Ould-Abdallah's mediation, concerned neighboring states—including Tanzanian President Nyerere and the leaders of Burundi, Rwanda, Uganda, and Zaire—launched the "Regional Peace Initiative on Burundi" in November 1995. Nyerere was appointed as the chief facilitator of peace talks, with Uganda coordinating the initiative (Barltrop, 2008: 17). The Initiative hosted discussions between FRODEBU and UPRONA in Mwanza, Tanzania between April and June 1996. However, internal fragmentation within the parties and a "creeping coup" in July 1996 undermined the nascent peace process (17). Meanwhile, several East and Central African states converged to support peace efforts under the OAU framework. Between 1996 and 1998, Tanzania, Rwanda, Uganda, Zaire, Kenya, Ethiopia, and Zambia convened five Presidential Summit Meetings to advance the peace process. They designated Nyerere as facilitator and undertook initiatives involving peacekeeping, economic sanctions, integrative negotiations, and coordination with governmental and non-governmental bodies (Weissman, 1998).

The peace negotiations in Burundi also garnered support from the Western nations, both financially and diplomatically. The United States appointed a special ambassador and a congressman to act as envoys to the region, while the Catholic lay organization Sant'Egidio, with strong ties to the Vatican, facilitated secret meetings in Rome between the opposing sides. These discussions, which had begun before the coup, gained momentum thereafter (Krueger and Krueger, 2007: 276). Sant'Egidio initiated confidential negotiations in 1996 between the Burundian government and the CNDD, at a time when both parties recognized the political necessity of engaging with their adversaries. A total of four meetings took place in Rome between 1996 and 1997 (Weissman, 1998). As Weissman explains, these sessions were intended to prepare both sides for formal negotiations under the mediation of Julius Nyerere, and they also demonstrated the

backing of the EU and the US, albeit indirectly (1998). Sant'Egidio's involvement in the peace process coincided with Nyerere's consideration of assuming the mediator role. According to Wolpe, the organization's engagement dates back to 1995, when Don Matteo Zuppi reached out to Nyerere with a proposal for cooperation. However, Nyerere did not respond to Zuppi's initiative. Zuppi, a Sant'Egidio member and expert on Africa, believed that the conflict was primarily between the Burundian government and the CNDD, and thus, the negotiations should focus on those two parties (Wolpe, 2011: 26). Zuppi played a significant role in initiating back-channel talks that helped pave the way for formal negotiations by fostering mutual trust between the factions (McClintock and Nahimana, 2008: 81). Wolpe also notes that the secret Rome negotiations helped align Sant'Egidio's efforts with Nyerere's mediation, despite being perceived as a separate initiative. In fact, the Rome discussions were integrated into the broader Arusha peace talks, as evidenced by Nyerere's decision to send an official representative to participate as a diplomatic observer (2011: 29). The Rome talks, often referred to as the 'Rome Accords,' also inspired President Buyoya to initiate a series of fifteen public consultation meetings across Burundi. These meetings, held between 1997 and 1998, involved political party representatives, members of parliament, the military, police, and civilians, and served to demonstrate popular support for the negotiation process and to lay the groundwork for future peace talks (International Crisis Group Report, 1998).

As the conflict in Burundi intensified, new peace efforts became urgent, especially in light of the 1994 Rwandan genocide. The Chairman of the OAU, Ethiopian Prime Minister Meles Zenawi, along with the OAU Secretary-General Salim Ahmed Salim, initiated discussions with Tanzanian President Julius Nyerere to mediate the Burundian crisis (Wolpe, 2011). Military intervention was proposed, and a peace initiative spearheaded by the Carter Center—bringing

in figures like Malian President, Archbishop Desmond Tutu, and Nyerere—introduced a new diplomatic approach. In March 1996, regional leaders at a summit in Tunis officially appointed Nyerere as mediator (Khadiagala, 2007). Influential global figures such as former US President Jimmy Carter and Nyerere played essential roles in initiating Burundian negotiations. President Ntibantunganya had already approached the Carter Center in late 1995, leading to the meetings in Cairo and Tunis under Salim's leadership (Mthembu-Salter, 2015). The first official negotiation was held in Mwanza, Tanzania in April 1996, aiming to create a space for open dialogue (Khadiagala in Boulden, 2003). Nyerere then convened a regional summit in Arusha that included Burundi's key political parties, UPRONA and FRODEBU (Rodt, 2012). These efforts formed a broader regional initiative to stabilize Burundi and prevent spillover violence (Daley, 2007).

To strengthen the mediation, regional countries imposed an economic embargo on Burundi, which was seen as Africa's attempt to handle its own regional crisis (Daley, 2007). However, the 1996 coup led to Burundi pulling out of the negotiations, sparking disappointment among neighboring states. The sanctions, seen by many Tutsis as biased, further strained relations and cast doubts on Nyerere's neutrality (Rodt, 2012). Following the third Arusha summit in April 1997, violence persisted, prompting regional leaders to reconsider the sanctions, which were now damaging regional ties, particularly between Burundi and Tanzania. Although Nyerere offered to resign due to criticism from Tutsis, his resignation was not accepted (Piombo, 2010). Eventually, he announced that Burundi had met the conditions to lift the sanctions (Anonymous, 2000).

Despite accepting negotiations, Burundi resisted holding further talks in Tanzania, citing Tanzania's protection of Burundian refugees and distrust of Nyerere's role (Wilén, 2012). However,

in June 1998, both government and opposition agreed to draft a transitional constitutional act, leading to Buyoya's presidency and power-sharing negotiations. This "partneriat" with the former FRODEBU members created the path toward the Arusha peace talks in June 1998 (Falsch and Becker, 2008; Mthembu-Salter, 2015).

### **Preparation and Negotiation Proper Phases**

This part of the study focuses on the two phases of negotiation within the Burundian peace process since the negotiation proper phase in Burundi actually covers the preparation phase for the negotiations held in Arusha in 1998 with the problem identification, exploration of the opinions, the parties' commitment to negotiation and an eagerness to discuss over the formal draft agreement in the presence of the witnesses from the regional and international delegations.

### **Arusha Negotiations and Nelson Mandela's Mediation**

The initial phase of the peace negotiations commenced in June 1998, marking the return of the involved parties to the negotiation table. Nineteen delegations, excluding the active combatants, convened in Arusha for the peace talks. These delegations included representatives from the UN, the US, the EU, Canada, the OAU, Switzerland, and the Sant'Egidio Community, with the majority representing Burundian political parties. However, due to the bifurcation of the CNDD and PALIPEHUTU into separate political and military factions prior to the negotiations, the talks were ultimately unproductive (Daley, 2007: 343; Piombo, 2010: 253). According to Filip Reyntjens, between 15 and 21 June 1998, seventeen delegations—primarily comprised of Tutsi factions—participated in the discussions (Reyntjens, 2000: 16). Ethnic identity played a crucial role in the political alignments of the aforementioned groups during the negotiations. Two primary coalitions emerged: Group of 7 (G-7), consisting mainly of Hutu-dominated parties, and Group of 10 (G-10), comprising

primarily Tutsi-dominated parties, along with the Burundian Government and the National Assembly (Daley, 2007: 341).

Mediator Julius Nyerere deliberately excluded the armed wings of Hutu factions from the negotiation process, rejecting participation requests from the Forces for the Defense of Democracy (FDD) and the National Liberation Forces (FNL) on the grounds that their involvement might deepen divisions (Anonymous, 2000: 6). Consequently, armed groups that preferred continued military engagement—namely the CNDD-FDD and PALIPEHUTU-FNL—were excluded from the peace process until Nyerere's death in 1999, after which Nelson Mandela assumed the mediation role (Piombo, 2010: 254). Nonetheless, the political branches of these groups remained engaged in the negotiations. The CNDD, led by Nyangoma, participated in the talks while its military wing, the CNDD-FDD, pursued a military strategy. Similarly, PALIPEHUTU split into political and military factions during the talks, with the PALIPEHUTU-FNL opting for continued armed struggle (McClintock and Nahimana, 2008: 77).

Following Nyerere's death in October 1999, Nelson Mandela reluctantly agreed to take over the mediation role. He adopted a more direct and assertive mediation style than his predecessor, employing international pressure to expedite the peace process (Falch and Becker, 2008: 16). Mandela's efforts were backed by the Burundian government, international advisors, and the United States (Daley, 2007: 340). President Pierre Buyoya's government also supported Mandela, perceiving South Africa as a neutral actor devoid of the regional biases attributed to Tanzania (Wolpe, 2011: 52). Regional stakeholders also favored Mandela's involvement due to his extensive international network, which helped garner global attention for Burundi's peace process (Khadiagala, 2007: 56). With Mandela's leadership and international donor engagement, the process saw a shift from prior isolation and sanctions to active diplomatic and financial

support (ICG Central Africa Report No. 13, 2000). Mandela believed international and regional pressure would be instrumental in persuading rebel factions to join the peace process (ACCORD, 2007: 18). Drawing on his experience in the South African transition from apartheid, he sought to include all factions in the negotiations. He was able to place previously taboo issues on the negotiation agenda and even compelled the Burundian government to disband regroupment camps and permit political expression. Mandela was critical of Tutsi minority rule and advocated for a restructured national army with equal representation of Hutus and Tutsis (Wolpe, 2011: 54).

Mandela's mediation style was notably different from Nyerere's; he favored assertiveness and transparency, and directly challenged the status quo. He included rebel movements in the talks and openly condemned the continued operation of regroupment camps (Reyntjens, 2000: 17). His approach drew substantial Western support and succeeded in weakening the influence of the rebel groups by integrating them into the formal negotiation framework (Park, 2010: 193). Mandela's initial actions as mediator included engaging global leaders such as US President Bill Clinton and ministers from France, the UK, and Belgium, thereby increasing international visibility of the peace process. He coordinated closely with the UN Security Council and altered Nyerere's strategy by formally involving rebel groups (Khadiagala, 2007: 57; Anonymous, 2000: 6; ICG Central Africa Report No. 13, 2000). Mandela strongly asserted that enduring peace in Burundi was unattainable under continued Tutsi domination of the military, political system, and economy. Mandela maintained a firm and moralistic tone, frequently admonishing negotiation participants regarding their responsibilities (Wolpe, 2011: 54). He was insistent on the inclusion of previously excluded Hutu rebel groups in the peace process and initiated discussions with them accordingly (Southall, 2006: 207).

Mandela's invitation to the FDD and FNL not only brought these armed Hutu factions into the negotiations, but also granted them formal recognition. Drawing on his own experience in a liberation movement, Mandela understood the necessity of involving guerrilla forces in peacebuilding, as their legitimacy often stemmed from grassroots support (Krueger and Krueger, 2007: 278). He held private meetings with rebel leaders and the Burundian government in South Africa in June 2000, paving the way for the eventual Pretoria Agreement in 2003, which aimed to ensure the security of the Tutsi minority.

### **Implementation Phase**

This phase is the one where the parties to the conflict arrive at a mutually acceptable solution by signing a negotiated agreement that necessitates its implementation with the creation of commissions and committees to manage specific clauses of the agreement. The Burundian case below focuses on the process of signing the Arusha Accord in 2000.

### **Signing the Arusha Accord**

Uvin emphasizes the significant role of the international community in facilitating peace negotiations in Burundi, highlighting the involvement of actors such as the US, the EU, the OAU, Tanzania, and South Africa. He notes that ten peace summits were convened between 1996 and 2000, culminating in the signing of the Arusha Accord on 28 August 2000, largely due to South Africa's decisive last-minute intervention (2009). The concerted efforts of international mediators, donors, and regional peace initiatives ultimately yielded progress. Although the Arusha Agreement for Peace and Reconciliation was signed by nineteen conflict parties in the presence of regional heads of state and US President Clinton, it did not include a formal armistice. Furthermore, leaders of key rebel movements were excluded from the negotiation process. The pace of the talks was reportedly accelerated to accommodate President Clinton's schedule, which resulted in some signatories not

reviewing the final version of the accord prior to signing (ICG Africa Report No. 29, 2001: 1; ICG Africa Report No. 33, 2001: 1; Daley, 2007: 345; Daley, 2006: 311; Lemarchand, 2009: 165).

The agreement stipulated the formation of a transitional government to function over a three-year period, divided into two 18-month phases. Legislative authority was to be vested in a bicameral parliament comprising one hundred deputies and a senate with two representatives from each province. In the first phase, the government was to be led by a Tutsi president (Pierre Buyoya) and a Hutu vice-president, whereas in the second phase, a Hutu president (Domitien Ndayizeye) and a Tutsi vice-president were to assume leadership. The final phase envisioned a referendum on a new constitution and national elections. The agreement also contained provisions for drafting a new constitution, establishing independent electoral commissions, and facilitating the reintegration of refugees. Mandela initiated direct talks with UPRONA and FRODEBU, assigning them central roles in advancing the peace negotiations (ICG Africa Report No. 29, 2001: 1; ICG Africa Report No. 33, 2001: 1; Daley, 2007: 345; Daley, 2006: 311; Lemarchand, 2009: 165).

Although the Accord was signed in the presence of numerous African leaders and granted partial political power to FRODEBU and other Hutu parties (collectively known as the G-7), the CNDD-FDD refused to endorse it (Krueger and Krueger, 2007: 279). According to McClintock and Nahimana, the Accord failed to resolve the conflict, as many combatant groups were not involved in the negotiations and continued their armed resistance, claiming the agreement did not pertain to them (2008: 79). Despite achieving regional support and organizing more than twenty high-level meetings across various capitals, the agreement was incomplete and poorly implemented (Southall, 2006: 218). Violence persisted after the signing of the Arusha Accord, particularly because major Hutu rebel

groups were excluded from the process. It took additional years before the CNDD-FDD accepted the Pretoria Compromise (Uvin, 2009). Curtis and Nibigirwe contend that the Accord contributed to internal fragmentation within the CNDD-FDD and PALIPEHUTU-FNL, both of which continued armed resistance, viewing military action as the only viable path to democracy and reform (2010: 114). No substantial progress was made toward establishing a transitional government until the Pretoria negotiations. Efforts to engage armed rebel movements in further negotiations continued, even as these groups carried out attacks concurrent with new peace agreements (Eck, 2012: 117).

Despite the peace agreement, few concrete steps toward lasting peace were taken between 2000 and 2002. During this period, South African mediators attempted to involve Tanzanian-based rebel groups in the negotiations, while the Burundian army and transitional government continued combat operations (Piombo, 2010: 260). In response, Mandela requested the deployment of South African troops to Burundi, a request that was fulfilled on 26 October 2001. The troops were tasked with protecting former Hutu politicians during the transitional period, due to widespread mistrust of the Tutsi-dominated Burundian military (Park, 2010: 194). Following a Memorandum of Understanding between the South African and Burundian governments, approximately 700 troops were deployed under the South African Protection Support Detachment (SAPSD). These forces remained in Burundi, with their numbers later increased to support the implementation of the Arusha Accords. In 2002, after a ceasefire agreement between the CNDD-FDD and the transitional government, the African Union launched the African Mission in Burundi (AMIB), deploying multinational troops—1,600 from South Africa, 980 from Ethiopia, and 280 from Mozambique—despite resistance from the Tutsi minority. This mission transitioned into the United Nations Operation in Burundi (ONUB) in June 2004 under

Security Council Resolution 1554, expanding to include 5,650 troops from Ghana, Nigeria, and Senegal. The Arusha Accord had also envisioned the deployment of international peacekeeping forces with the October 2002 armistice agreement assigning monitoring responsibilities to the UN and AU forces (Park, 2010; Rodt, 2012). In 2007, the ONUB was replaced by the United Nations Integrated Office in Burundi (BINUB), which was tasked with a broader mandate. Though the mission contributed to some degree of stability and aided the implementation of the Arusha Peace Accord, it failed to prevent ongoing human rights violations and episodes of violence in the country (Daley, 2007: 346).

### **Post-negotiation Phase**

The post-negotiation is considered as “talks after talks” and an extra-deal negotiations, so this phase within the Burundian peace process focuses on the formal talks following the core negotiation phase (the Arusha Accord) to understand if the original negotiated agreement needs some changes due to the challenges within the implementation process.

### **Burundian Re-negotiations**

The Arusha Peace and Reconciliation Agreement did not include key rebel factions such as the CNDD-FDD and PALIPEHUTU-FNL. However, these groups exploited the ongoing conflict in the Democratic Republic of Congo (DRC), where they had established bases in the eastern region and received financial backing from the Kabila administration. This external support complicated the peace negotiations (Falch and Becker, 2008, 20). Unlike these rebel factions, FRODEBU pursued rapid integration into the state and military structures, while other signatories sought strategic alliances with rebel groups to strengthen their negotiating positions over political appointments (Falch and Becker, 2008, 20). Excluded from the original negotiation process, rebel groups began to favor a negotiated settlement, recognizing that any new peace accord could lead to a redistribution of power

(Falch and Becker, 2008, 20).

Following Mandela's tenure, then South African Vice President Jacob Zuma assumed the role of chief mediator in Burundi. Zuma prioritized securing ceasefire agreements with rebel groups, bringing renewed vigor to the process. However, his efforts were met with competition from Gabonese President Omar Bongo, a Francophone leader preferred by the CNDD-FDD over the Anglophone Zuma (Khadiagala, 2007: 58). President Bongo facilitated two rounds of talks between the CNDD-FDD and the Burundian government in Libreville, aiming to establish a negotiation framework (ICG Africa Briefing Paper, 2002). Subsequently, the Pretoria Protocol on Political, Defense, and Security Power Sharing was signed on 8 October 2003 by President Ndayizeye on behalf of Burundi's transitional government and CNDD-FDD leader Pierre Nkurunziza, under the facilitation of Jacob Zuma. This agreement marked a significant step in encouraging inclusive dialogue and formal political participation by the CNDD-FDD, which had previously remained outside the peace process. The Protocol focused on two principal areas: (a) political representation, encompassing issues related to legislative roles, provincial governance, diplomatic appointments, and public administration; and (b) security arrangements, addressing reforms in the military, police, intelligence services, and the inclusion of PALIPEHUTU-FNL, among other matters (UN Security Council, 2003).

A follow-up agreement, the Pretoria Protocol on Outstanding Political, Defense and Security Power-sharing Issues (Pretoria Protocol II), was concluded on 2 November 2003. Signed by the same parties, this protocol supplemented the October agreement and aligned its provisions with the 2002 Ceasefire Agreement. It included terms for transforming the CNDD-FDD into a political party, provisions for temporary immunity for its leaders and combatants, and stipulated the group's inclusion in the Senate,

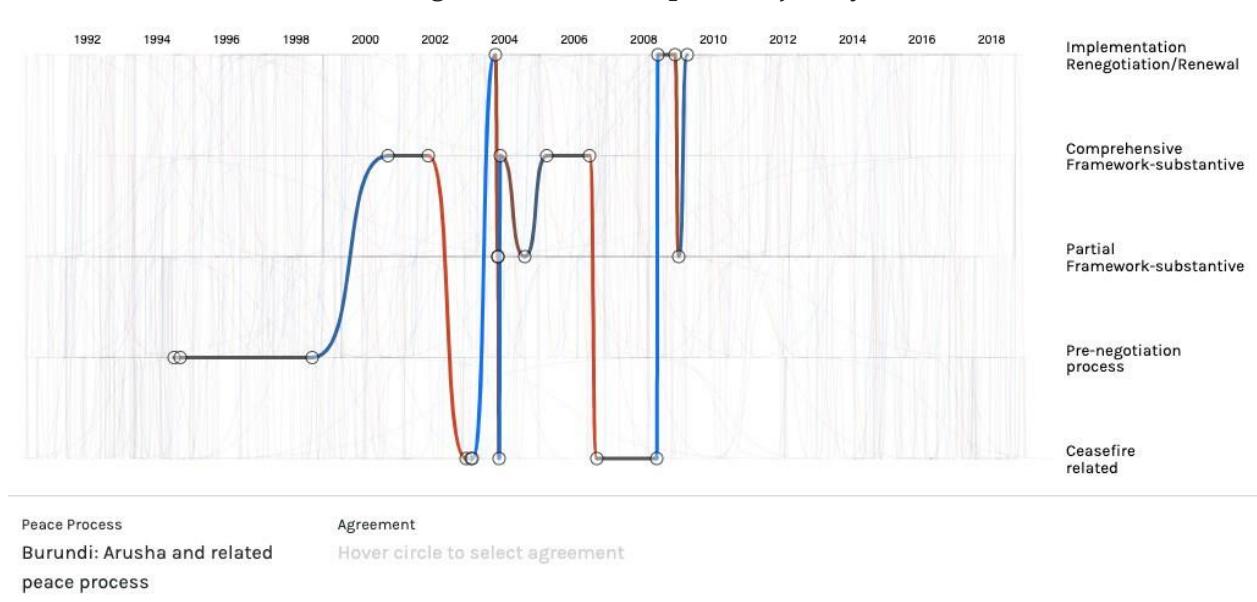
thereby facilitating its formal entry into the transitional government (Pretoria Protocol I and II, 2003). The two Pretoria Protocols addressed power-sharing and security arrangements, and were complemented by a technical agreement on military integration and a renewed ceasefire agreement signed in Dar es Salaam in November 2003 (Barltrop, 2008: 20). This ceasefire, concluded between President Ndayizeye and CNDD-FDD leader Nkurunziza, played a critical role in reducing the intensity of the conflict and allowed the CNDD-FDD to secure influential positions within the transitional government, such as the Ministry of Good Governance. Demobilization efforts began in 2004 (Hajayandi, 2015: 151).

While the Pretoria Protocols marked significant progress in the political integration of armed groups, a formal armistice between the Hutu insurgents and the Tutsi-led transitional government was not achieved until 2006. On 18 June 2006, the Dar-es-Salaam Agreement of Principles Towards Lasting Peace, Security, and Stability in Burundi was signed between the Burundian government and the PALIPEHUTU-FNL. This agreement acknowledged Burundi's historical ethnic tensions and called for measures including the separation of the PALIPEHUTU-FNL's military and political wings, transformation into a political party, amnesty for members, and the release of political and war prisoners. It also outlined strategies for the reintegration of refugees and internally displaced persons, supported by the Regional Initiative for Peace in Burundi, the AU, and the UN. The fourth article emphasized the subordination of defense and security institutions to national principles of democracy, justice, and reconciliation (Dar-es-Salaam Agreement, 2006).

## Discussion and Findings

This study focusing on the role of the five phases of negotiation process on the Burundian peace process enjoys the below Figure 3 and Table 1 derived from the Peace Agreements Database (PA-X) of the University of Edinburgh so as to

Figure 3. Burundian peace trajectory.



Source: Sencerman (2021: 223).

offer its findings regarding the analysis. The Burundian peace process is a culmination of several negotiated peace settlements consisting of pre-negotiation, implementation and post-negotiation agreements as discussed above in detail. Below the Figure 3 shows the Burundian peace trajectory with the ups and downs throughout the process that started in the beginning of the 1990s to resolve the ongoing conflict and terminate the civil war. The figure also displays different paths within the process, sometimes repeating the same design and as is followed on the figure, the trajectory includes cease-fire related agreements signed before setting the negotiation desk that actually starts with the pre-negotiation process and continues with partial and comprehensive substantive peace agreements. The implementation and re-negotiation processes follow the negotiated agreements. As the Figure 3 sets forth, the negotiated peace settlements at every different phase are not one time deals and it is a longer process taking almost two decades to find out a solution to the mutual stalemate and bring an end to the ongoing intra-state violent conflicts in Burundi.

Like the Figure 3 above the Table 1 (it shows also the original names of the peace agreements

in French) below lists the peace settlements negotiated and signed in the pre-negotiation, preparation, negotiation proper, implementation and re-negotiation phases (covering all five basic phases of negotiation process) between the years of 1994 and 2009 in Burundi.

**Table 1. Burundian Peace Negotiation Processes with pre/post negotiation cycles.**

| Country | AGREEMENT NAME                                                                                                                                    | DATE       | Stage   |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------|------------|---------|
| Burundi | Déclaration du Directoire Politique du processus de paix au Burundi sur le processus de mise en oeuvre des décisions conjointes prises à Pretoria | 2009-04-08 | Imp     |
| Burundi | Declaration of the Palipehutu-FNL                                                                                                                 | 2009-01-09 | SubPar  |
| Burundi | Déclaration du Sommet des chefs d'Etats et de gouvernements de l'initiative régionale sur le processus de Paix au Burundi                         | 2008-12-04 | Imp     |
| Burundi | Magaliesburg Declaration on the Burundi Peace Process                                                                                             | 2008-06-10 | Imp     |
| Burundi | Dar-es-Salaam Agreement on Principles Towards lasting Peace, Security, and Stability in Burundi                                                   | 2006-06-18 | SubComp |
| Burundi | Constitution of 18 March 2005                                                                                                                     | 2005-03-18 | SubComp |
| Burundi | Accord de Partage de Pouvoir au Burundi                                                                                                           | 2004-08-06 | SubPar  |
| Burundi | Loi du 21 novembre 2003 portant amendement à la Constitution de Transition du 28 octobre 2001                                                     | 2003-11-21 | SubComp |
| Burundi | Forces Technical Agreement between the Transitional Government of the Republic of Burundi and the CNDD-FDD                                        | 2003-11-02 | SubPar  |
| Burundi | The Protocol on Outstanding Issues of Political, Defence and Security Power Sharing in Burundi ('Pretoria II Protocol')                           | 2003-11-02 | SubPar  |
| Burundi | The Pretoria Protocol on Political, Defence and Security Power Sharing in Burundi                                                                 | 2003-10-08 | Imp     |
| Burundi | Constitution de transition du 28 octobre 2001                                                                                                     | 2001-10-28 | SubComp |
| Burundi | Arusha Peace and Reconciliation Agreement for Burundi                                                                                             | 2000-08-28 | SubComp |
| Burundi | Declaration by the Participants to the Peace Negotiations in Burundi                                                                              | 1998-06-21 | Pre     |
| Burundi | Agreement Embodying a Convention on Governance between the Forces for Democratic Change and the Political Parties of the Opposition               | 1994-09-10 | Pre     |
| Burundi | Déclaration des partis politiques agréés et du gouvernement contre les fauteurs de guerre et en faveur de la paix et de la sécurité               | 1994-07-06 | Pre     |

**Abbreviation of Stages      Explanation**

|         |                                                                                           |
|---------|-------------------------------------------------------------------------------------------|
| Pre     | Pre-negotiation process                                                                   |
| SubPar  | Framework substantive. Partial agreement dealing with some issues                         |
| SubComp | Framework substantive. Comprehensive agreement dealing with resolving the whole conflict. |
| Imp     | Implementation/Renegotiation Agreement aiming to implement an earlier agreement.          |

Source: Sencerman (2021: 221).

As the Figure 3 and Table 1 present above, the Burundian peace process exactly cover the five significant phases of negotiation process put forward by the literature on negotiation theory, which is considered as a path to reach successful peace agreements resolving the intra-state conflicts. Since the peace process in Burundi took its time for about two decades and paid great importance on complying with the necessary check-points in negotiation for a successful end, it is asserted that it contributed into the durability of the last-negotiated peace agreement between the conflicting parties, 'Dar-es-Salaam Agreement on Principles and towards lasting Peace, Security, and Stability in Burundi'.

### Conclusion

This study focuses on the role of the five phases of negotiation process on the Burundian peace process following the years-long violent conflict cycles and the civil war. The findings regarding this single-case study on Burundian peace process demonstrate that when the negotiation processes to end the ongoing conflicts cover the five basic phases of negotiation in a longer term, the possibility of success in peace processes bringing along peace to a civil war-torn state is higher. This study claims that following the well-organized negotiation process covering the five basic phases of negotiation with a comparably longer duration (negotiation is not a one-time deal) resulted in a relatively successful Burundian peace process with a longer durability of the negotiated peace agreements signed at the beginning of the new millennium. The regional and international mediation efforts of the neighboring and regional African countries, the contribution of the regional, international and supranational organizations like the OAU, the UN, Sant'Egidio from Rome and the EU together with the overseas actors in facilitating and mediating the negotiations like the USA, the US President Clinton and the Carter Center, the world-known mediators like Nelson Mandela made great contributions during the pre-negotiation, preparation and actual negotiation phases.

Since this study is dealing with a single-case it has a limitation regarding the sampling process, for this reason further studies related to the role of the five phases of negotiation processes as asserted by the theoretical framework (the negotiation theory) on the success of the peace processes especially in civil war-torn countries might focus on comparative analysis focusing on several cases from Africa or other regions of the world by applying quantitative analysis methods using large-N data. As mentioned in the introduction part, the literature on Burundi, the Burundian peace process in particular and the negotiation theory in broad sense is dramatically weak in Türkiye, hence any further studies on these topics will have great contribution into the African and peace studies beside this study claiming to contribute into the literature.

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