

Burundi: From Electoral Boycott to Political Impasse

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

Six months after a string of landslide electoral victories by the ruling Conseil National pour la Défense de la Démocratie et Forces de Défense de la Démocratie (CNDD-FDD), Burundi is descending ever deeper into a political impasse that risks reversing a decade's progress. Instead of strengthening democracy, the 2010 communal, parliamentary and presidential elections ended in the marginalisation of the opposition – a major element of which (the Forces Nationales de Libération, FNL) went underground – and in the emergence of a new rebellion. Combined with a weak governance system, this could lead to a democratic setback. Only resumption of political dialogue between government and opposition, the end of the FNL's clandestine activities and the strengthening of democratic institutions can reverse the dangerous trend. The international community must encourage these steps before it is too late.

After the National Independent Electoral Commission (CENI) announced in May 2010 the CNDD-FDD had received 64 per cent of the vote in the local elections, the opposition parties, which had been confident of victory, denounced "massive electoral fraud". However, all national and international observers, the media and civil society recognised the vote as free and fair, despite some irregularities. The opposition responded by forming a coalition (l'Alliance des Démocrates pour le Changement au Burundi, ADC-Ikibiri) and said further involvement in the electoral process depended on dismissal of the CENI and cancellation of the local election. When their demands were rejected, most boycotted the remaining elections, resulting in overwhelming victories for the ruling party – 91 per cent of the vote in the presidential contest and 81 per cent and 94 per cent respectively in those for the lower and upper houses of the legislature – which thereby consolidated its control over all state institutions.

On the pretext that there had been violent incidents during the presidential elections, the security services arrested many members of the opposition in June and July 2010. To avoid arrest, the main ADC leaders left the country or went underground. After the chairman of the FNL, Agathon Rwaswa, took the latter course, the leadership of his movement was taken over by a dissident minority with the support of the authorities. There have been frequent clashes since then between the security forces and unidentified armed men in the west of the country. Even though the latter are designated as "armed bandits" by the authorities, there is no doubt about the links between them and some opposition leaders. Burundi is not near a return to full civil war, but by marginalising and repressing the opposition, the CNDD-FDD is in effect reinforcing a nascent rebellion and doing harm to democracy.

Since the elections, there have been no official talks between the opposition parties and the government, and the permanent forum of political parties has become an empty shell. At the same time, the new government has inherited serious governance problems. Growing corruption, lack of an independent justice system, weak oversight institutions and a stalled transitional justice agenda are each immediate threats to democratic consolidation. Moreover, full integration of Burundi into the East African Community (EAC) may require a constitutional review that will be an opportunity to either strengthen or weaken democratic institutions. The crisis risks spilling across the border to the eastern Congo, where FNL fighters have re-formed links with armed groups in the Kivu region.

Despite the deteriorating political and security context, attempts to defuse the crisis have been limited.

Several local organisations and some international partners have called for dialogue and restraint, but for the most part, the international community has been slow to act, despite the leverage its aid provides. To halt the dangerous trends, the institutional dialogue between all the political actors should be resumed within the framework of a reorganised permanent forum of the political parties. Likewise, a program for consolidation of democratic governance that involves strengthened institutional checks and balances as well as civil society initiatives needs to be jointly defined and implemented. Simultaneously, religious leaders, through the ecumenical conference, should mediate between the FNL and the government in order to bring Rwaswa back into politics and end clandestine activities by his supporters.

RECOMMENDATIONS

For resumption of the political dialogue

To the Government and the Opposition:

1. Reorganise in a consensual way the permanent forum of the political parties.
2. Engage in talks without delay in order to improve the political and security context, agree on a law on the status of the opposition and produce a code of conduct including the following elements:

a) security guarantees and political freedom for the opposition leaders;

b) freedom of assembly for the opposition parties; and

c) commitment to end the arbitrary arrests of members of the opposition and to release those illegally arrested.

To the Government:

3. End the legal harassment campaign and intimidation and threats against civil society organisations and the media.

To the International Community:

4. Press the government and opposition to restart talks without delay in order to end the political crisis and make development aid dependent on the government's respect of its commitments regarding human rights, governance and rule of law.

For an end to the clandestine activities of the FNL

To the Government:

5. Give security guarantees and an amnesty for Agathon Rwaswa.
6. Release FNL militants and cancel the administrative recognition of the new FNL leader Emmanuel Miburo.

To the FNL:

7. Renounce violence publicly.

To the Ecumenical Conference and the Countries of the Regional Initiative (Uganda, Tanzania, South Africa, Kenya, Rwanda, Congo (DRC), Ethiopia and Zambia):

8. Offer to mediate between the FNL and the government and issue an official call for dialogue.

For consolidation of democratic governance

To the Government and the Parliament:

9. Review and revise the anti-corruption law so as to extend the powers of the anti-corruption agencies; make the internal oversight bodies more autonomous; amend the composition and role of the Council for the Judiciary to strengthen its independence; and reduce the executive's control over a number of public agencies.

10. Implement the law distinguishing and governing political and technical jobs in the civil service.

11. Create a constitutional review commission including representatives of all political parties and civil society leaders.

12. Set up a truth and reconciliation commission and a special tribunal as recommended during the national consultation on transitional justice.

To Civil Society, the Government and the International Community, including in particular France, Belgium, the Netherlands, Germany, Switzerland, the African Union, the European Union, the United Nations Office in Burundi and the U.S.:

13. Define jointly and implement a democratic governance consolidation program that, in accord with the president's commitments, strengthens institutional checks and balances and supports civil society projects concerning human rights, security sector oversight, the anti-corruption fight and public debate.

Nairobi/Brussels, 7 February 2011