BURUNDI: ENSURING CREDIBLE ELECTIONS

Africa Report N°155 – 12 February 2010

International Crisis Group
WORKING TO PREVENT CONFLICT WORLDWIDE

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

Burundi has made much progress in leaving its civil war behind, but tensions are rising ahead of elections. They could escalate dangerously in coming months, ruining the electoral process's credibility and endangering a fragile democracy and, ultimately, many gains of the peace process. After strong international pressure was put on the ruling party, consensus was reached in September 2009 on an Independent National Electoral Commission (CENI) and a new electoral code. The polls – communal, presidential, then legislative – are scheduled between May and September, but opposition parties are facing harassment and intimidation from police and the ruling party's youth wing and appear to be choosing to respond to violence with violence. Both the region and Burundi's other partners should reinforce election violence monitoring mechanisms and support deployment of a regional police mission. A senior regional envoy should be appointed to facilitate resolution of political disputes and party leaders warned they face sanctions if they rig elections and possible international prosecution if they commit serious violent crimes.

Although an electoral framework endorsed by the majority of the political class is in place, opposition parties still cannot operate freely. In many parts of the country, local administrations are controlled by the ruling Conseil national pour la défense de la démocratie – Forces de défense de la démocratie (CNDD-FDD). These local administrations order the police to disrupt opposition party gatherings and block them from opening local offices. At the same time, civil society organisations and some media are harassed for denouncing the ruling party's authoritarian tendencies.

The CNDD-FDD youth wing's physical training, war songs and quasi-military organisation raise the spectre of militia violence and a large-scale intimidation campaign. The other former rebels, the Forces nationales de libération (FNL) and the Front pour la démocratie au Burundi (FRODEBU) are mobilising their own youth wings to oppose intimidation tactics. The police have remained passive or become accomplices to the ruling party's abuses. There are thus legitimate fears they could become further politicised, similar to the National Intelligence Service (Service national de renseignement), which is already trying to destabilise the opposition. Meanwhile, the main opposition political parties' election strategies either have yet to be worked out or, apart from those of a few new players, fail to offer an alternative political vision. Most parties simply criticise CNDD-FDD leaders by denouncing suspected corruption and authoritarian practices.

Given President Nkurunziza's popularity in rural areas and the financial and logistical advantages it derives from control of state institutions, the CNDD-FDD is in a strong position to retain the presidency. It seems to fear, however, that it could lose its majority in parliament and dominance over provincial administrations and thus be forced to form a coalition government, a scenario which party hardliners, notably military leaders, strongly wish to avoid. This prospect and the harassment of opposition parties suggest it intends to win the local and parliamentary elections at all costs.

While the present problems do not make a return to civil war likely, Burundi's regional and wider international partners need to urgently support policies that limit the real risk of serious election violence that would plunge it into a new political crisis and endanger much of the recent progress. Civil society organisations should support creation of efficient electoral violence observation mechanisms, and the media should document and report incidents. The countries in the regional initiative on Burundi (Uganda, Tanzania and Rwanda in particular) should boost efforts to improve the training and operations of the national police by providing a regional police mission. Embedded within the Burundian force, a few small teams in each province equipped by donors with their own logistics and communications could support the planning of election security as well as advise on and monitor implementation.

This regional police mission should be led by a commissioner working directly with the director general of the Burundian police and report to a senior regional special envoy mandated by the regional initiative and the African Union to help resolve major political disputes arising from

serious security incidents and allegations of electoral malpractice. The special envoy would also coordinate international engagement, which has weakened since the dissolution of the partnership for peace on Burundi and the expulsion of the Special Representative of the UN Secretary-General at the end of 2009. A retired head of state from the region familiar with Burundian politics and respected by all parties would be well suited for this role.

RECOMMENDATIONS

To the Government of Burundi:

1. Remove restrictions on activities of political parties by formally prohibiting provincial governors, communal administrators and local police forces from:
   a) preventing or disrupting meetings lawfully organised by opposition parties;
   b) preventing the opening of local opposition party offices; and
   c) carrying out arbitrary arrests of opposition leaders and supporters.
2. Sanction local officials who continue to obstruct activities of the political opposition.
3. Prohibit illegal activities of party youth organisations and punish those responsible for such activities.
4. Refrain from any verbal or other provocation and the use of intimidation or force against opposition parties, the media and civil society.
5. Take all appropriate measures against individuals, groups and organisations involved in rearming militias.
6. Ensure that political parties have free and equal access to the public media.
7. Pursue discussions with opposition political parties within the newly established framework for national political dialogue, aiming at reaching consensus on the administration of elections and quickly resolving electoral disputes.

To all political parties:

8. Refrain from verbal or other provocation that could increase political tensions, including intimidation of rivals, calls to violent revenge or appeals to ethnic or regional hatred.
9. Stop mobilising youth groups for violent or intimidation purposes.
10. Do not compromise the neutrality of the security services by mobilising support networks within them.

To the Burundian media:

11. Allow all political parties free and equal access to the air waves and columns and prohibit inflammatory or malicious reporting.

To Burundian civil society:

12. Establish an observation mechanism on political violence to document all election-related incidents, monitoring in particular youth movement activities, groups of demobilised combatants affiliated to political parties and the security forces.

To the regional initiative on Burundi:

13. Arrange, in cooperation with the government to deploy a regional police mission composed of small teams embedded within the Burundi police and mandated to support the planning and implementation of election security operations and led by a police commissioner working directly with the national police commander and reporting to a senior regional special envoy.
14. Appoint a senior regional special envoy of international stature and conversant with Burundian politics to provide high-level political facilitation in case of grave incidents of violence or major disputes over the administration of the electoral process, as well as to coordinate international political engagement with political actors.

To the donor community:

15. Ensure the early deployment of international election observation missions.
16. Provide adequate and timely financial and technical support to the Independent National Electoral Commission (CENI).
17. Warn Burundian political leaders that those responsible for atrocity or other grave political crimes will be prosecuted – by the International Criminal Court or a special tribunal if necessary – and that targeted sanctions will be imposed on those resorting to massive fraud or violence to win the elections.

Nairobi/Brussels, 12 February 2010

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I. INTRODUCTION

Burundi has come to be regarded as a model for the sub-region, because elections – which were generally considered to be free and transparent – brought a former rebel movement to power in 2005. This successful conclusion to a transition that had been fraught with uncertainty encouraged the United Nations' Peace Consolidation Commission to respond positively when the government asked if Burundi could become one of the first two African countries to benefit from its support programs. The successful negotiation of an agreement on the disarmament and reintegration of the last rebel movement still active, the Parti pour la libération du peuple hutu – Forces nationales de libération (Palipehutu-FNL – Party for the Liberation of the Hutu People – National Liberation Forces) meant that by 2008 Burundi was in a position to organise credible new elections within the timescales set out by the constitution and electoral law.

However, the political climate, dominated by discussion of the next round of elections, has since become quite tense. The opposition was unhappy with the decision of the President and his party, the Conseil national pour la défense de la démocratie – Forces de défense de la démocratie (CNDD-FDD – National Council for the defence of democracy – Forces for the defence of Democracy) to launch their campaign early; it was also upset by his attempts to exert political control over the electoral administration. Lacking the logistical and financial means to compete on the ground, and faced with local government and police intimidation, the opposition dabbled with demagogy. Tension was already high by late 2008, thanks to the arrest of several political and civil society leaders[1] and a growing dispute over the composition of the planned Independent National Electoral Commission (CENI).

During the establishment of the legal and regulatory framework for the elections, serious disagreements emerged. The key phases of election preparation during 2009 were repeatedly disrupted by crises. Although these were gradually resolved, the tensions between the political parties have fuelled violence. Early clashes between rival party youth movements, reports of weapons distribution and the increasingly bellicose language of some political groups must raise concerns about the risk of an upsurge in violence as the elections – scheduled to be held at some point between May and September 2010 – approach.

Burundi's stability could be jeopardised by the risk of manipulation and political violence seriously undermining the credibility of the electoral process. While there does not seem to be a great risk of inter-ethnic violence, the prospect of an election battle between rival political groups seeking to win the support of Hutu voters could undermine the Burundian democratic experiment and push some former combatants back into fighting – which would wreck the recent benefits of the peace process.

This new Crisis Group report assesses the credibility of the election process now underway. It examines the way that the legal and regulatory framework for the vote is being put in place, the accompanying political tensions and the main security challenges. It goes on to suggest concrete measures that could help prevent Burundi from taking a dangerous step backwards.

[1] On 11 September 2008 the journalist Jean-Claude Kavumbagu, director of the online news agency Net Press, was arrested on for defamatory and insulting remarks about Burundi's president and making damaging accusations against him. On 15 September 2008 the vice president of the union of non-judge personnel, Juvénal Bududura, was arrested for telling a media outlet of "justice ministry appointments tarred with corruption". On 3 November 2008 Alexis Sinduhije, the president of the Mouvement pour la solidarité et le développement (MSD – Movement for Development and Solidarity), was arrested for insulting the president of Burundi. These arrests were condemned by the political parties, civil society groups and the international community. See "Rapports mensuels publics sur la situation des droits de l'homme et de la justice au Burundi", Office of the High Commissioner for Human Rights, October and November 2008.

II. A LABORIOUS POLITICAL PROCESS

The 2005 general election, organised in a rush after prolonged wrangling over the constitution and the elections law, benefited from substantial funding from the international community and the logistical support of the United Nations Operation in Burundi (Opération des Nations unies au Burundi – ONUB). To ensure that thorough preparations were made for the 2010 elections, donors and the political parties were quick to press the government to establish the legal, regulatory and institutional framework for these new elections, in particular the CENI and the electoral law.[2] Several parties were hoping for changes to the law, which had some clauses that were obsolete[3] or that constrained the executive's freedom of action.[4] This time around, the United Nations Office was set to play a less important role than in 2005, particularly in terms of logistical support for the Electoral Commission.[5]

A. THE TROUBLED ESTABLISHMENT OF THE CENI

In late 2008, several political parties called for wide consultation over the establishment of the CENI, to preempt any unilateral move by the CNDD-FDD. But the government paid little attention to these demands. President Nkurunziza summoned an extraordinary session of parliament on 20 January 2009 to approve the presidency's nominations for membership of the CENI. The names and personal backgrounds of the nominees – revealed by the press in December – provoked angry protests from the opposition parties. The commission's members are supposed to be independent personalities, as the constitution provides.[6] Yet some of the nominees, including the designated commission president, were known for their connections to the CNDD-FDD.[7]

Despite threats of a boycott, the authorities confirmed that the parliamentary session would go ahead on the planned date. But this firm line rebounded against the president and the ruling party. A boycott by opposition members meant that the National Assembly failed to reach the quorum required for a vote on the nominations, while the Senate vote amounted to a formal rejection, because the list of nominees failed to win the required three-quarters majority in favour. At first the government seemed determined to maintain its stance, insisting that it would resubmit the same list of nominees to the first ordinary session of parliament in 2009. Behind the scenes it tried to win over a number of opposition party parliamentarians.[8]

However, faced with the refusal of the political class to give ground over the issue, and with external partners pressing for a consensual solution, the government changed tack. The CNDD-FDD held secret talks with the Front pour la démocratie au Burundi (FRODEBU – Front for Democracy in Burundi) and the Union pour le progrès national (UPRONA – Union for National Progress), the two main opposition parties represented in parliament, to choose new nominees.[9] Agreement was quickly reached and a fresh list of names was submitted for approval by parliament – where it was adopted with by a large ma-

[2] Crisis Group interviews, political party leaders, Bujumbura, September and October 2009.

[3] At the time of the 2005 elections, the president of the Republic of Burundi was elected by the parliament, as specified by Article 302 of the constitution. This states that, "as an exceptional measure, the first President of the Republic of the post-transition period is elected by a two-thirds majority of the members of the National Assembly and the Senate, sitting jointly as the Congress". This arrangement does not apply in future elections, when the president is elected by direct universal suffrage.

[4] Article 8 of the electoral law states, in particular, that: "For the purposes of the first elections, and awaiting the conclusions of the international judicial commission of enquiry into genocide, war crimes and crimes against humanity and of the Truth and Reconconciliation Commission, persons benefiting from provisional immunity will continue to enjoy their civil and political rights, regardless of the [judicial] convictions that are ultimately pronounced. Any elected representative whose responsibility for the crimes in question is ultimately established by one of these two commissions will automatically be deprived of their mandate and replaced". While he was still involved in the rebellion, President Nkurunziza had been condemned to death in absentia by a criminal court for his presumed responsibility for the placing of anti-tank mines in 1997; these caused the death of several people in different districts of the capital. This sentence having never been annulled or questioned by another jurisdiction, the president found himself deprived of the right to stand in the present election because his provisional immunity only applied to the vote in 2005. This at least was how the Belgian lawyer Stef Vandegiste interpreted the legal provisions in an interview that was published by a local newspaper. Unsurprisingly, the opposition parties sought to use this argument to block Nkurunziza from becoming a candidate. But amendments to the electoral law changed the position.

[5] S/Res 1902 (2009).

[6] Article 90 of the constitution.

[7] Clothilde Niragira, the person put forward to head the CENI, was at the time the serving minister for the civil service, labour and social security. She had been justice minister from September 2005 to November 2007; in this earlier role she had approved the detention of several political figures, including the former president, Domitien Ndayizeye, over groundless allegations that they had been involved in a putsch plot. Crisis Group interviews, diplomats, Bujumbura, November and December 2009.

[8] Crisis Group interviews, national assembly members, Bujumbura, November 2009.

[9] Ibid.

jority on 13 February 2009. Only one opposition party, Léonard Nyangoma's Conseil national pour la défense de la démocratie (CNDD – National Council for the Defence of Democracy), objected to this move, having been excluded from the secret negotiations.

The new names for the CENI were chosen either because of their presumed political neutrality or precisely because they do belong to particular parties.[10] The best news was that neither the president nor the vice president – both former ministers – have known links to the CNDD-FDD or the president of Burundi.[11]

On 13 March 2009, President Nkurunziza signed the decree promulgating the make-up of the CENI. Several days previously he had, for the third time, revised the decree to satisfy opposition requirements.[12] The troubled but ultimately satisfactory genesis of the electoral commission met with a broad welcome across the political class, civil society and the international community. Even so, this episode highlights the reluctance of the CNDD-FDD to give priority to dialogue and consensus decision-making, unless it comes under severe pressure. While the heterogeneous composition of the CENI will in practice hinder any attempt at political manipulation of the process, several of its members have nevertheless been chosen to represent the interests of their political party – which is in outright contradiction with the terms of the constitution. The opposition parties, always quick to condemn breaches of the law when these favour the CNDD-FDD, seem to have no objections when such infringements work in their favour.

In spite of the failure of the attempt to impose a CENI membership broadly favourable to the CNDD-FDD, new disagreements soon emerged over the selection of the senior official support staff for the electoral commission. These had originally been chosen, entirely independently, by the commission. But the general secretary of the president's party wanted to install his own allies. The CNDD-FDD therefore put pressure on the CENI to revise its list of senior official staff.[13] The commission finally agreed to give a post to one of the individuals recommended by the ruling party.[14]

B. Advanced Reform of the Electoral Law and Concerns over the Registration of Electors

The tussle over the composition of the CENI was a warning of an even fiercer struggle to come over the reform of the electoral law. For a time, President Nkurunziza and the CNDD-FDD appeared ready to challenge some of the basic principles established under the Arusha peace and reconciliation agreement[15] and incorporated into the constitution, including ethnic quotas and the requirement for the passage of legislation to obtain a two-thirds majority.[16] Eventually, they dropped their attempt to chal-

[10] Of the five members of the CENI, only the president and the vice president were chosen for their political neutrality. The three other members were chosen by CNDD-FDD, FRODEBU and UPRONA.

[11] This exasperated some key figures in the ruling party, amazed to find that it had failed to gain control of the CENI. Crisis Group interviews, national assembly members, Bujumbura, October and November 2009.

[12] The first two drafts of the decree establishing the CENI, signed in June and December 2008, gave Burundi's president considerable powers – including the right to dismiss any member "accused of any act of a kind that might perturb the elections". Crisis Group interviews, senior political party and civil society figures, Bujumbura, December 2009.

[13] The interior ministry suspended payments to members of the CENI for several months, until news of this tactic caused a stir and the payments were unblocked. Crisis Group interviews, diplomats, Bujumbura, December 2009.

[14] Evariste Miburo, the official in charge of the electoral register.

[15] The Arusha Peace and Reconciliation Agreement, signed back in August 2000, is the basis for the principal provisions of the constitution relating to institutional reforms. In particular, it provides for the sharing of power between the two main ethnic groups, the majority Hutu and the minority Tutsi, on the principle that they should be represented equally in the defence and security forces and in the Senate, and that they should have, respectively, 60 per cent and 40 per cent of the seats in the National Assembly and the positions in government.

[16] In an interview with the newspaper *Gabonews* on 8 May 2008 in Libreville, Nkurunziza stated: "The situation that we face today is linked to the constitution of the Republic of Burundi. It is a constitution that gives veto rights to a political minority. So you can see how a draft law could be blocked, although it had been passed by Burundi's National Assembly with 51 per cent of the votes, or indeed even 60 per cent of the votes. So you see this poses a problem of a blocking minority rather than the question of whether or not there is a political majority. This problem that we have with the constitution of our country has reached the point where today, because of certain provisions in the new constitution – which imposes ethnic quotas to facilitate a shift in the balance of power – certain institutions do not function at all". He added that "The end result is a dilution of the power of those who have won the elections. So you can see that it is very difficult. Even when it comes to appointing ambassadors and the top army and police commanders, the president lacks the power to nominate them directly. That is the problem: the constitution is fundamentally misconceived, and this creates many obstacles to the effective management of the country". See "Paix au Burundi/Pierre Nkurunziza: 'Au commencement, il y a eu l'initiative du président Bongo Ondimba pour pousser au dialogue politique sans exclusive'", *Gabonews*, 8 May 2008, www.africatime.com/burundi/nouvelle.asp?no_nouvelle=399256&no_categorie=.

lenge these measures.[17] But several key points remained matters of dispute. In particular, there was disagreement over the order in which the different polls should be held and the practical arrangements for voting.

1. Political calculations over the organisational arrangements for the vote

The governing party argued the case for starting the electoral cycle with the presidential vote and it favoured the use of multiple ballot papers for each election. Under this system, the elector chooses a ballot paper from among those on offer and places it in the ballot box; there is a different design of ballot paper for each party, list or candidate. The CNDD-FDD argues that this method is much less complicated than using a single ballot paper on which all the competing candidates or parties are listed, and where the voter has to write a mark or a thumb print next to their choice. The president's party argues that this latter approach creates a ballot paper that is far too complicated for the ordinary citizen, and particularly for those who are illiterate – because it has to include all the names and pictures or emblems of all the candidates on a single sheet of paper; the party argues that the use of multiple ballot papers in 2005 proved successful and that the system should therefore be used again this time.

Meanwhile, the opposition parties argue that the various elections should be held one after the other, starting at the base with the municipal vote, before moving on to elections for the legislature, the senate and, finally, the presidency; this would ensure that the local and legislative elections were not influenced by the outcome of the presidential vote. They even claim that the constitution requires elections to be held in this order. They are also pressing for the use of a single ballot paper, to avoid any risk of the voters being subjected to pressures and threats. They claim that in the 2005 election the CNDD-FDD insisted that voters present the party with the unused ballot papers carrying emblems of the other parties, to ensure that voters had given it their support – a classic form of intimidation of the electorate. The opposition parties argued that the use of a single ballot paper is also more economical than the method that requires several ballot papers.

In June 2009, with technical support from USAID, there was a round table discussion about transparency and integrity in the electoral process.[18] This considered potential amendments to the elections law and drafted a proposed amended version that was in line with the proposals that the main opposition parties had put forward. Afterwards, this proposal was submitted to the interior minister, to be forwarded for examination by the full council of ministers. However, the text that the minister presented to the full cabinet on 9 July had been revised by the ministry in the meantime, so that it met the CNDD-FDD's requirements. This plan envisaged the use of multiple ballot papers, and a sequence of elections beginning with the presidency.[19] This proposal was approved during a council of ministers' meeting which the FRODEBU members of the government had boycotted as a protest.[20]

This episode provoked a fresh political crisis. The main political parties cried scandal and launched a campaign against the new draft text. UPRONA applied severe pressure on the first vice president of Burundi, who was a member of the party, warning him against any move to submit the draft bill to the National Assembly. In fact, the secretary general of the government sat on the text for several weeks before forwarding it to the National Assembly. Before he did so, the text was once again examined and amended by the council of ministers to restore the version that had been adopted at the round table. Internal and external pressures appear to explain this about-turn. Moreover, President Nkurunziza – who had been particularly keen to begin the elections sequence with the presidential vote – saw his wishes denied by the stance of his own party.

The CNDD-FDD's official spokesperson confirmed that the party had no objection to beginning the electoral cycle with the municipal polls. In reality, a number of its senior figures – who felt that the President was ploughing his own furrow, focused solely on his self-interest – insisted on this about-turn, hoping to force him to compromise with them.[21]

However, rather than being submitted to the National Assembly's committee for administrative political affairs and international relations – as is normally the case for electoral measures – the draft law was sent to the committee for justice and human rights, which is chaired

[17] There is certainly no unanimity within the party. A serving diplomat who belongs to the president's party argues that the democratic expression of opinion is distorted by the use of quotas. See, in particular, the chapter titled "Le pouvoir anti-démocratique burundais" in Alain Aimé Nyamitwe, *Démocratie et ethnicité au Burundi: essai sur des mots et des acteurs autour d'un enjeu de justice et de pouvoir (1962-2005)* (Paris, 2009).

[18] United States Agency for International Development (USAID).

[19] Crisis Group interviews, political party leaders, Bujumbura, September 2009.

[20] FRODEBU and UPRONA are regarded as opposition parties although they are both represented in government. This equivocal stance is explained below in the sections dealing with political movements.

[21] Crisis Group interviews, members of CNDD-FDD, Bujumbura, October and November 2009.

by one of the president's most loyal allies in the lower house.[22] The head of state hoped that this would allow him to regain control of the situation. But this subterfuge sparked a fresh upsurge in tension. The main representatives of the international community embarked on a joint initiative, pressing the political class to find a consensus solution.[23] This intervention, and direct bilateral lobbying by a number of Burundi's external partners, persuaded the presidential camp to retreat. A new compromise version of the electoral law was finally adopted by parliament and promulgated by the president on 19 September.

The new text envisages starting the 2010 general election cycle with the municipal polls, followed, respectively, by the presidential, legislative, senatorial and local community elections. The electoral law opts for the use of multiple ballot papers – as many in number as there are candidates or candidate lists – and using two ballot boxes.[24] It also establishes a system for the payment of deposits by candidates in the presidential, legislative and senate elections: the deposit is repaid in full if the candidate obtains 5 per cent of the votes in the presidential election or 2 per cent in the two other elections.[25]

On 15 December 2009 the electoral timetable was at last announced by the president of the CENI. Polling will begin on 21 May 2010 with the municipal elections, followed by the presidential vote on 28 June, and then the legislative and senatorial elections on 23 and 28 July. The electoral cycle will be completed with the local community polls on 7 September. The second round of the presidential election should be held on 26 July. The president of the CENI has said that the elections should be formally called through the issue of a presidential decree, which should be signed by midnight on 4 April 2010. This timetable is in conformity with the schedule requirements set down in the constitution and the new electoral law. Overall, it has met with a warm welcome from the main political parties, although there have been a few complaints about the short timing gaps between some of the elections.[26]

2. A politicised voter registration process?

The question of the issue of national identity cards (CNI) sparked a new crisis between the opposition parties and the president's party. Because the issue of a voting card depends on the possession of a CNI, the distribution of this identity document has become an electoral issue.[27] Yet hundreds of thousands of Burundians do not have a CNI, because the issue of the document requires payment of a fee and sometimes onerous administrative procedures. With the start of voter registration looming, the local administration – largely dominated by the CNDD-FDD – began to distribute identity cards. But they are only being distributed selectively in some places, where local officials zealously loyal to the president's party are focusing essentially on the mobilisation of their supporters.[28] Opposition parties were quick to claim that the administrative process was being manipulated.[29]

The United Nations representation in Burundi realised that the process could drift off course if arrangements for the issue of identity cards were not settled; so it finally agreed to provide financial assistance for the distribution of CNIs. The free distribution of identity cards was officially launched on 21 December by the minister of the interior and the Special Representative of the United

[22] Crisis Group interviews, parliamentary deputies, October and November 2009.

[23] See the 29 August 2009 communiqué of the Integrated Office of the United Nations in Burundi (BINUB) on the joint approach to the political parties in the National Assembly by South Africa, Tanzania, the United States, the European Union and the United Nations.

[24] One of the ballot boxes will hold the ballot papers that voters have chosen to cast, while the other – which will be larger – will be for those that are discarded.

[25] 15 million Burundi francs (a little more than $12,000) for the presidential candidates, 500,000 Burundi francs ($400) for each list of would-be assembly deputies and 400,000 Burundi francs ($320) for each list of senatorial candidates that is registered.

[26] Crisis Group interviews, leaders of political parties, Bujumbura, December 2009 and January 2010.

[27] Even so, Article 15 of the electoral law stipulates that "Registration as an elector is implemented upon presentation of the national identity card or any other official identity documentation or any other document of a kind that makes it possible to verify that the person appearing [before the authorities] is qualified to be an elector". At the start of January 2010, the president of the CENI set out what these other acceptable identity documents could be. They are the baptism certificate, driving licence or passport, a military or police identity card or, simply, the identity card of a public servant. In the case of the baptism certificate or driving licence, the applicant also has to produce three witnesses including the chief of rural or urban community and two from different political parties. But these various alternatives still pose problems: the vast majority of Burundians come from rural areas and do not possess these other identity documents, except perhaps for the baptism certificate. Moreover, the ordinary citizen cannot easily call on the help of the chief of the local hill district or urban quarter if this person has a different political allegiance.

[28] Several such cases have been reported by the local media. See the article headed "La ligue ITEKA et la RPA dénoncent une distribution discriminatoire de la CNI" in the "Autres titres" section, at www.ligue-iteka.africa-web.org/.

[29] See, in particular, "Déclaration du parti CNDD à propos de l'octroi de la carte nationale d'identité", 21 December 2009, www.burundirealité.org.

Nations office. But despite this initiative, irregularities continued to occur. In a number of places, the population complained that the cards were still being distributed on a selective basis. The opposition parties are now convinced that the president's party has devised a preconceived plan to manipulate the elections in fraudulent manner. As evidence, they point out that identity cards have been distributed to minors or to foreigners in a number of constituencies.[30]

The initial response of the CENI was to postpone the launch of the voter registration campaign – which had been planned for December 2009 – to 14 January 2010, in the hope that this would lead to greater transparency in the issue of identity cards and a consequent easing of tension. But it then had to resign itself to a further one week postponement of the launch because of the evident delays and mismanagement; it hoped that with more time, the program of identity card distribution would produce "better results". For its part, the opposition suspected that the attempts to manipulate voter registration aimed to alter the make-up of the electoral roll in favour of the president's party. Indeed, some parties had already expressed fears about the validity of the general population census carried out in 2008.

The CENI was bombarded with criticism over the inequitable arrangements for the distribution of free identity cards; and on 30 January it announced new measures to allow those Burundians who had not been given cards the chance to register directly as voters.[31] These new measures were welcomed by the opposition, but only put into effect from 3 February onwards; the CENI therefore had to extend the electoral registration program – originally due to end on 4 February – to 9 February. Thanks to these new measures, the number of registrations rose markedly. According to the official figures announced by the president of the commission at a press conference on 12 February, 3,550,665 citizens had registered as electors – a registration rate of 101.2 per cent, measured against the projected figures upon which CENI had been relying.[32] Even if the commission had perhaps underestimated the number of potential voters, the figures that have been announced reveal the large scale of irregularities and cheating – which had been condemned throughout the program by the media and the main opposition parties.[33] Although many attempted abuses have been foiled, thanks to the intervention of the political party representatives appointed to monitor the process, the media and even sometimes the general public, it is hard to gauge how far fraud has in fact influenced the final composition of the electoral roll.

C. Restrictions on Public Freedoms

Despite significant progress in the peace process during 2009 – with the successful integration of the FNL into the institutions of the state and the security forces and their transformation into a political party – the national political contest continues to be marked by tensions and attacks on personal freedom. In effect, the actions of the leading players are closely linked to their electoral prospects. Burundi did not suffer a series of institutional crises during 2007 and 2008. But this was because of the CNDD-FDD's increased control over Parliament; with elections approaching, the government sought to limit its opponents' room for manœuvre, rather than adopt a conciliatory approach.[34]

The opposition response to state provocation and harassment was to raise the stakes by issuing inflammatory announcements and communiqués. Meanwhile, the government showed little regard for civil society. On several occasions, the main private radio stations – viewed by the CNDD-FDD as bastions of the opposition – found themselves under scrutiny by the National Communications Council, a body that is officially independent but is in effect a CNDD-FDD fiefdom.[35]

[30] In particular, during various news programmes broadcast in late December 2009 and early January 2010, Radio publique africaine (RPA) reported such cases in Cibitoke province and in several of the capital's municipalities, including Buyenzi and Bwiza.

[31] The CENI produced 872,400 such documents, known as "voter identity certificates". These were distributed – through the CEPI and the local administration – to people who had not obtained identity cards. See the website http://binub.turretdev.com/index.php?option=com_content&task=view&id=978&Itemid=1.

[32] In 2005 3,140,966 Burundians were registered to vote in the elections. The figures for 2010 thus represent an increase of more than 13 per cent over the figures from the previous election.

[33] See, in particular, the news for Thursday 28 January 2010, at www.arib.info/index.php?option=com_frontpage&Itemid=1&limit=50&limitstart=50, where the local media reported failed attempts to register foreigners and minors and cases of voters registering in several different constituencies. By doing this, the opposition parties have also left themselves opened to criticism over their own approach to the registration process: some parties encouraged their electors to register in several constituencies. Crisis Group interviews, opposition party members, Bujumbura, February 2010.

[34] See Crisis Group Africa Briefing N°53, *Burundi: Restarting Political Dialogue*, 19 August 2008.

[35] The main journalists' association, the Burundian union of Journalists (Union burundaise des journalistes, UBJ), claims that the president and vice president of the council as well as the majority of its members are affiliated to the president's party. Crisis Group interviews, members of the UBJ, Bujumbura, September 2009.

In October 2008 the Minister of the Interior, Venant Kamana, began by signing a decree imposing severe restrictions on the freedom of opposition parties to hold meetings, a measure that contradicted the terms of the constitution and the political party's law. The decree required opposition parties to seek an administrative permit before organising meetings and it gave local authorities the right to ban such gatherings. The decree also gave municipal authorities – the vast majority of which are under CNDD-FDD control – the right to attend such meetings and to send police to "ensure the security of people and property and ensure good conduct".[36] The decree provoked outrage and the minister retreated, cancelling it and thus restoring the rules set out in law.[37] Subsequently, his successor, Edouard Nduwimana, confirmed that political parties' freedom to hold meetings does not require authorisation by the local administration.[38]

Yet this new clarification failed to prevent fresh constraints on parties' freedom to organise meetings. Local officials continue to adopt authoritarian tactics against the opposition parties. Meetings, particularly those of the parties of the Union for Peace and Development (Union pour la paix et le développement – UPD) and the FNL, are routinely banned by local authorities.[39] Activists in these parties continue to suffer various forms of intimidation, and even, on occasion, violent assault or arrest.[40] In Kayanza province the UPD was banned from opening offices in two municipalities; the party suffers similar restrictions in Muyinga province too. The FNL has frequently faced problems when seeking to open offices in certain places; and the November 2009 special congress, which was due to choose the movement's presidential candidate, was only permitted to take place after heavy diplomatic pressure on Burundi.

Meanwhile, the CNDD-FDD regularly organises meetings, public demonstrations and political rallies. It suffers absolutely no restriction on its activities; indeed, sometimes even pupils in state schools are forced to participate in meetings, at its instigation.[41]

Relations between the ruling party and civil society have never been terribly good. Such government mistrust is reflected in the imposition of restrictions on civil society activity. Associations officially registered with the Ministry of the Interior and with head offices in Bujumbura must henceforth obtain a further permit from the Ministry for any activity they seek to undertake in provincial areas. Moreover, the CNDD-FDD is particularly critical of civil society associations' close links to the opposition, their contacts with Western embassies and the fact that they are preponderantly Tutsi and urban. Although it does not adopt this stance in public, the CNDD-FDD has always mistrusted local NGOs, even if at times President Nkurunziza seemed to want to become closer to them, paying visits to several of the most high-profile organisations.[42]

The 9 April 2009 assassination of the vice president of the Organisation for Combating Corruption and Financial Misappropriations (Organisation de lutte contre la corruption et les malversations économiques – OLUCOME), Ernest Manirumva, cast a chill over relations between civil society and the government. Indeed, human rights groups suspect certain senior figures in the security forces of having ordered this murder.[43] In late November 2009, the cancellation of the organising licence for the Forum for the Reinforcement of Civil Society (Forum

[36] "Ordonnance Ministérielle No. 530 du 6/10/2008 portant réglementation des réunions et manifestations des parties politiques et autres associations au Burundi", Ministry of the Interior and Municipal Development.

[37] Ordonnance ministérielle N°530/1208 of 18 November 2008.

[38] Article 12 of Law N°1/006 of 26 June 2003, concerning the organisation and operation of political parties. The ministry's position was confirmed by the director general of territorial administration, Terence Mbonabuca, in an interview with Radio Isanganiro on 11 February 2010.

[39] In transforming itself into a political party the Palipehutu-FNL became the FNL, to satisfy legal requirements.

[40] Three local leaders of the UPD party in Muyinga province have been summarily detained since 7 December 2009. Crisis Group leaders of local human rights organisations and the UPD, Bujumbura, December 2009 and February 2010.

[41] In particular, this was the case in a demonstration organised by the president's party in March 2009 in the capital to demand that homosexuality be declared a criminal offence and in November of the same year. On the latter occasion, President Nkurunziza was returning from Rome, where the San Egidio community – a religious group that seeks to promote dialogue, peace and reconciliation – had awarded him the major peacemaker prize. Crisis Group interviews, civil society leaders and diplomats, Bujumbura, November 2009.

[42] President Nkurunziza notably visited the Organisation for Combating Corruption and Financial Misappropriations (Organisation de lutte contre la corruption et les malversations économiques – OLUCOME), the main NGO fighting corruption, the Human Rights League (Iteka) and the Association for the Protection of Human Rights and Detained Persons (Association pour la protection des droits humains et des personnes détenues – APRODH) in 2007. Crisis Group interviews, civil society leaders, Bujumbura, November 2009.

[43] In particular, this concerns senior figures in the Burundi National Police (Police nationale du Burundi – PNB) and the National Intelligence Service (Service national de renseignement – SNR), all former fighters in the CNDD-FDD. Crisis Group interviews, senior civil society and media figures, Bujumbura, November and December 2009.

pour le renforcement de la société civile – FORSC) sharpened tensions that had already been stirred by the death of a citizen who had been beaten up by the personal guard of the governor of Kayanza province.[44] In vain, civil society groups demanded penal action against the provincial administration, which they assumed was involved in this murder.[45]

The main independent media outlets systematically report all the claimed human rights violations, corruption and financial misappropriations for which civil society groups blame claim the authorities. Sometimes they also expose these scandals after journalistic enquiries carried out with the help of leaks from within the public services. In private many senior figures in the president's party accuse these media outlets of collusion with the opposition,[46] especially because one of the most virulent political opponents, Alexis Sinduhije, president of the Mouvement pour la solidarité et le développement (MSD), is the former director of Radio publique africaine (RPA), one of the radio stations that is most listened to.

III. THE SHORT-TERM STRATEGIES OF POLITICAL PARTIES

Changes in the nature of the Burundian conflict – where new grounds for dispute seem to be displacing ethnic difference as the prime driver – have led the new parties to think beyond the identity issues in which the conflict had been rooted.[47] Some traditional groups are also trying to develop a new message on the ethnic issue, although others are still unable to break out of mindsets shaped by ethnicity. The elections are likely to be characterised by a ferocious struggle between strands of the now deeply divided Hutu elites. But just months before the elections, several of the main parties in the running have yet to develop political programs and are still reflecting on how to do so.[48]

A. FORMER REBEL GROUPS

1. The CNDD-FDD

More than 10 years of bush warfare have shaped the way the CNDD-FDD operates. Acceding to power in 2005, the former rebellion has been slow to shrug off the brutal and authoritarian culture it had acquired as a guerrilla movement. The party's big decisions, officially subject to approval by its congress, are generally taken by a small committee, which includes certain defence and security leaders, despite their supposed political neutrality. These decisions are rubber-stamped afterwards by the congress, without being subject to serious discussion.[49] This lack of dialogue and the absence of serious argument have pushed a number of senior figures to leave the party, although the majority of these defections were essentially motivated by a change in the leadership of the president's party – with the ousting of Hussein Radjabu to make way for Jérémie Ngendakumana in February 2007.[50]

[44] The official reason given for this decision was that the permit for FORSC had in fact breached the rules, despite the fact that it had been permitted to operate for the past three years by decree N°530/514 of 26 May 2006, issued by the same ministry. One motive for cancelling the permit seems to have been a desire to halt statements by an organisation that has been heavily involved in efforts to discover the truth about the assassination of the vice president of OLUCOME; the inflammatory utterances of the forum's general delegate at the murder victim's funeral, claiming there was impunity for criminals in Burundi seems to have been a contributory factor. Crisis Group interviews, diplomats, Bujumbura, December 2009.

[45] Three guards were detained and remain formally subject to legal pursuit, but no enquiries have yet pointed to the involvement of the governor in this incident.

[46] Crisis Group interviews, CNDD-FDD officials, Bujumbura, November 2009.

[47] In particular, this is the case with the MSD, whose leadership is in majority Tutsi although the grassroots membership is mixed.

[48] Crisis Group interviews, political party leaders, Bujumbura, December 2009.

[49] Crisis Group interviews, members of CNDD-FDD, Bujumbura, September and October 2009.

[50] These included, notably, the national assembly deputies Jean-Marie Ngendahayo – who has since become an independent – and Alice Nzomukunda, who went on to set up her own party, together with Pascaline Kampayano, Déo Nshimirimana and Nadine Nzomukunda. The latter three resigned because of developments after the ousting of Radjabu. Crisis Group interviews, national assembly deputies, Bujumbura, September 2009. See Crisis Group Briefing, *Burundi: Restarting Political Dialogue*, op. cit.

The CNDD-FDD habitually presents a list of its achievements at annual anniversary celebrations of its election victory, as a pointer to its development vision.[51] These days the party is divided between the proponents of two alternative strategies for persuading the electorate to give it a fresh mandate.

One is based on mobilising support through the appeal of ethnicity, stressing the gains made for the Hutu majority through armed struggle and the CNDD-FDD rise to power. This roots its appeal in the return of peace and security, and the ending of Tutsi domination through the former rebel movement's entry to government and the integration of its fighters into the official defence and security forces. It is a sales pitch that amounts to a revival of the party's 2005 campaign theme. Burundi's president regularly recites the historic precedent set by the rise to power of an ethnic Hutu and, above all, his survival in power. He has no hesitation in alluding to the will of God to explain how he is the first elected president of the country to be on the verge of finishing his term of office without interference.[52] The second strategic option bases the campaign on the social and economic measures for the population that the party can claim to have delivered over its five years in power.

Today these two campaign themes are being deployed simultaneously, but with the message stressing security for the Hutu population promoted surreptitiously.

Meanwhile, the CNDD-FDD is also trying to weaken its main political adversaries. In doing so it relies heavily on the National Intelligence Service (Service national de renseignement – SNR), which has, for example, tried to create dissident groups within the FNL and FRODEBU.[53] The ruling party has also attempted to win over some leading figures in its main competitor parties, offering them financial rewards or public service posts. And it applies a range of pressures to members of the other parties, to force them to join its ranks.[54] To reinforce its own base of supporters and deepen their loyalty, and to raise funds from sympathisers, the CNDD-FDD routinely imposes job transfers on public servants, as a disciplinary measure, for political reasons.[55] Membership of the party has become essential for those seeking to secure a job in certain public services.[56] And senior officials are expected to make a monthly transfer of 10 per cent of their salary to the president's party.[57]

However, the CNDD-FDD does not present an entirely united front and it could be weakened by its internal divisions. President Nkurunziza himself faces challenges from some of the senior figures in his party.[58] He owes his rise to the top of the CNDD-FDD, and then to the presidency, above all to the support of Hussein Radjabu, the former general secretary and main financier of the rebel movement – rather than to any personal prowess as a fighter or an unchallenged command of the leadership.[59] This failure to build up political capital during the rebellion has left the president with a real shortfall in personal legitimacy. And his subsequent highly controversial management of the election, together with his iconoclastic religious practices, have alienated many of the senior figures in the party, including numerous parliamentarians.[60] While his leadership is fiercely criticised even at the heart of his party, Nkurunziza has so far managed to suppress those who dabble in dissent and thus hold off potential threats to his hold on power. But this is no guarantee that he will be able to keep members united behind him.

Support for his future presidential candidature on the party's behalf is far from unanimous, even though an open attack on his position seems implausible. The party's greatest selling points are his popularity among the rural population – because of the time he spends in provincial areas – and the major social programs he has delivered; these have been warmly welcomed by the

[51] These focus especially on its achievements in terms of schools infrastructure.
[52] See "Discours prononcé par son excellence Pierre Nkurunziza, président de la République du Burundi à l'occasion de son quatrième anniversaire au pouvoir", 26 August 2009, www.burundi-info.com/spip.php?article1066.
[53] Crisis Group interviews, diplomats, Bujumbura, November 2009.
[54] See "CNDD-FDD: on adhère ou on est emprisonné", *Iwacu*, n°43, 25 December 2009.
[55] Several judges have been transferred or punished in different ways for having demonstrated their independence in the handling of cases concerning prisoners of conscience. See, in particular, "Burundi: une gouvernance fortement marquée par le spectre des élections de 2010", report by the Observatory of Government Action – (Observatoire de l'action gouvernementale – OAG), September 2010, pp. 29-30.
[56] Crisis Group interviews, groups of young unemployed people, Bujumbura, December 2009.
[57] Crisis Group interviews, former members of CNDD-FDD, Bujumbura, September 2009.
[58] Crisis Group interviews, members of CNDD-FDD, Bujumbura, September and October 2009.
[59] Crisis Group Briefing, *Burundi: Restarting Political Dialogue*, op. cit.
[60] The evangelical crusades organised at great cost each year and lasting several days, to thank the Almighty for his rise to power and continuation in office are not to the taste of many CNDD-FDD officials. Nor was the widely broadcast ceremony of 29 August 2009, during which President Nkurunziza washed the feet of dozens of extremely poor people in a community in Bubanza and gave them shoes. This scene provoked sarcastic and indignant comments from many senior figures in the president's party. Crisis Group interviews, members of CNDD-FDD, Bujumbura, September and October 2009.

public.[61] Moreover, Burundi's president has been campaigning almost continuously since his rise to power, notably through his regular participation in development projects among the rural population.[62] And he has set up a special fund to support a controversial program entitled "support for good initiatives".[63]

Since the ejection of Hussein Radjabu from the party leadership,[64] Burundi's president has gradually reinforced his control over the CNDD-FDD, to the point where he has amended the party statutes to legitimise his dominance. At the party's last congress, in March 2009, it was decided that the candidate for the forthcoming presidential election would be nominated by the party's committee of wise men, a body that is chaired by Nkurunziza himself. The same congress reduced the privileges and the prerogatives of the president of the CNDD-FDD, who was suspected of supporting internal party opponents of Burundi's president.[65] The imposition of these constraints upon Jérémie Ngendakumana seems to have led to his marginalisation, enhancing the clout of the current general secretary, Gélase Ndabirabe, who is thought to be closer to President Nkurunziza.[66]

In spite of this reassertion of authority, the president cannot be sure of his control over the party, and its parliamentary caucus in particular. President Nkurunziza has to come to terms with various interest groups that have developed partly on regional lines, such as the party officials from Gitega province, who are suspected of wanting to replace him.[67] The CNDD-FDD hierarchy also risks facing serious dissent or even defections. Already the composition of candidate lists for the various elections is proving a source of internal tension. Elected representatives who were well positioned on the lists in 2005 do not want to see any change in the order in which candidates are listed. Others want to see these lists reviewed, while new contenders are arguing for a more democratic method of designating candidates. The latter stress the need to allow voters their say, as in other political parties that have set up a system of internal primary elections to choose their candidates for different elections.[68]

Finally, the party is divided over what tactics to adopt to win the legislative and senatorial elections and thus escape the need to form a coalition. Right back in December 2006 the CNDD-FDD had announced that it was establishing a team to ensure that it was ready for the campaign.[69] For two years it has been campaigning on the ground, helped by the government's regional administrative structures, which are largely supportive of the party. Even so, while the re-election of President Nkurunziza seems highly probable, the CNDD-FDD's hold over the country's other elected institutions could be threatened. Some party officials, particularly senior figures in the security services, have flatly excluded any possibility of defeat and are organising themselves to ensure it cannot happen.

[61] Free primary education and funding to cover the costs of giving birth for mothers and the costs of health treatment for children under five.

[62] Burundi national television transmits an endless diet of reports on the construction of social infrastructure (schools, health centres, etc.), clean-up programmes or the planting of fruit trees, from every corner of the country, attended in person by the president, surrounded by peasants living in humble conditions.

[63] The President has asked for, and obtained, from Parliament, an annual budget grant of 2 billion Burundi francs (a little more than $1.6 million) to fund presidential gifts of construction material such as corrugated iron sheeting or cement to communities and schools, when he visits local areas. The use of this money is exempt from audit, and OLUCOME claims that material purchased from this grant fund has been allocated to other purposes, such as the construction of provincial and local offices for the president's party. See the section headed "Appui aux Bonnes Initiatives" in the in the presidential budget credit for 2009, as specified in Law N°1/36 of 31 December 2009 which confirms the general budget of the Republic of Burundi for the 2009 financial year. This heading also appears in the new budget for 2010.

[64] Radjabu was ousted from the leadership of CNDD-FDD on 7 February 2007. See Crisis Group Briefing, *Burundi: Restarting Political Dialogue*, op. cit.

[65] The party's president and the other members of its executive are not permitted to hold any external elected office. So Jérémie Ngendakumana, who had been elected as a deputy for the CNDD-FDD, had to give up his seat in the National Assembly and thus also surrender his parliamentary immunity – a potentially risky step in a country where judicial action is often instigated against those who are active in politics. He also found himself hemmed in by a general secretary with reinforced powers and by three deputy general secretaries. Crisis Group interviews, members of CNDD-FDD, Bujumbura, September 2009.

[66] Crisis Group interviews, diplomats, Bujumbura, December 2009.

[67] In an effort to control and neutralise Gervais Rufyikiri, the president of the Senate, President Nkurunziza nominated him to chair the leadership of the CNDD-FDD election campaign. Rufyikiri, himself a native of Gitega, the most populous province in the country, is a CNDD-FDD member who is seen as one of the most credible alternatives to Nkurunziza.

[68] In particular, this is the case for the FRODEBU, UPRONA, FNL and MSD parties.

[69] "Itangazo risozera inama ya bose mu mugamwe CNDD-FDD yabereye i Gitega ku magenekerezo ya 23 na 24 kigarama 2006", closing communiqué of the CNDD-FDD general assembly held in Gitega on 23 and 24 December 2006. See the website of the president's party, www.burundi-info.com, the section of most recent articles dated 26 December 2006.

Their strategy is based on resorting to force and intimidation. Yet the party's senior hierarchy is divided over such tactics, although they do not discuss the subject openly.[70] Indeed, a hardline approach could in fact alienate the electorate, which is tired of authoritarian rule; that would benefit the opposition parties while simultaneously wrecking the credibility of the elections process. It would risk drawing the country into a bloody political crisis, and there is no doubt that this would eventually force the CNDD-FDD to share power.

2. The FNL

Having failed to properly manage their integration into the national political and security institutions, the now legalised FNL became preoccupied with trying to sort out internal rifts.[71] The group also alienated a large number of supposed fighters who had joined it in the hope of securing settlement and demobilisation allowances. However the FNL was bolstered by the failure of a dissident faction's attempt to overthrow its president, Agathon Rwasa, and replace him with a new leadership more favourable to the CNDD-FDD.[72] This manoeuvre provoked the militants into closing ranks around their leader and reinforcing his legitimacy. It smoothed the path for his reconfirmation as the party's leader and his nomination as its candidate for the presidential election. The government also came under international pressure to rein in its efforts to destabilise the former rebel group.[73]

However, the FNL has only just emerged from the bush and it is still struggling to adjust to its new status as a political party.

Rwasa has noticeably toned down his language to conform to the new political reality; for example, he has laid heavy stress on corruption and governance issues. But it is far from certain that all his supporters share and understand this stance. This is reflected in the awkwardness with which FNL officials, often little educated, talk about their party's program.[74] This suggests that they may be targeting the predominantly rural Hutu population with a surreptitious political message that is probably rather less comfortable than the language that Agathon Rwasa smoothly directs at his various interlocutors and foreigners in particular.[75]

There is good reason to fear that the former rebellion has not fully disarmed and remains willing to resort to violence if it becomes the target of provocation or attacks by the *Imbonerakure*, the CNDD-FDD youth movement.[76] An FNL resort to strong-arm tactics during the grassroots campaign remains a real risk; the group is far from having fully completed its transformation into a non-violent political party. Thus the FNL represents a serious challenge to the power of the CNDD-FDD, in spite of its weaknesses and lack of national agenda.[77] Many Hutu peasants who are disappointed with the president's party see the last remaining active rebel movement as the party that is most representative of their interests.

B. Traditional Political Forces

1. FRODEBU

FRODEBU is the first political party to have chosen its candidate for the next presidential election – Domitien Ndayizeye, a senator and former head of state (2003-2005). Although he was elected by a large majority of votes in an open contest with many other contenders, a

[70] Crisis Group interviews, members of CNDD-FDD, Bujumbura, October and November 2009.

[71] Crisis Group Africa Briefing N°63, *Burundi: To Integrate the FNL Successfully*, 30 July 2009.

[72] Jacques Kenese, the FNL's former representative in Europe, and Pasteur Habimana, the movement's former spokesman – both expelled from the party on 28 August 2009 – started by giving a press conference, under strong police protection, on 15 September, to demand the holding of a standard FNL party congress to elect a new leadership team. Subsequently, on 21 November, they organised a demonstration against Rwasa in the capital. This dissident wing seems to enjoy support within government and some state services: it secured permission to stage the demonstration, although it was not legally recognised at the time, while such protest rights are generally denied to political parties and civil society groups. Moreover, those promoting the demonstration benefited from practical support, particularly with logistics. Crisis Group interviews, diplomats and political party officials, Bujumbura, December 2009 and January 2010. Afterwards, on 26 January 2010, the interior ministry registered this FNL dissident faction, under the name FNL iragi rya Rémi Gahutu (FNL heritage of Rémi Gahutu), although the plan to create the group had only been revealed three weeks earlier by Jacques Kenese. Cf. "Agrément d'un 44ème parti politique au Burundi", PANA, 26 January 2010, www.arib.info/index.php?option=com_content&task=view&id=1507&Itemid=63. Rémi Gahutu was the founder of PALIPEHUTU, the organisation in which the FNL has its roots.

[73] Crisis Group interviews, diplomats, Bujumbura, November and December 2009.

[74] Ibid.

[75] According to various leaders of civil society organisations and political parties, the FNL continues to base its grassroots local campaigning on an argument that the Hutus have not been fully emancipated from Tutsi control, particularly in the army. Crisis Group interviews, political party and civil society officials, Bujumbura, December 2009.

[76] This violence is analysed later, in the chapter dealing with security challenges.

[77] See Crisis Group Briefing, *Burundi: To Integrate the FNL Successfully*, op. cit.

number of individuals – including the party's vice president – nevertheless wanted to challenge his legitimacy and question his personal credentials.[78] One of the main subjects of internal argument within FRODEBU is the question of what stance the party should adopt towards the CNDD-FDD and the government in general. The party takes part in government, while still speaking and behaving as an opposition party. This ambiguous and controversial approach – which is actually in breach of the constitution – partly reflects FRODEBU's internal contradictions.[79] For material reasons, several of its senior figures have resisted any suggestion that the party adopt a purely opposition stance, so that they can retain their public sector posts.

This position seriously undermines the coherence of the party's political message. Thus, because of the need to show solidarity with the government of which they are part, FRODEBU ministers are often obliged to endorse controversial measures which are then condemned by the party itself. Furthermore, a number of local and regional administration officials who are at least nominally attached to the party indulge in the excesses and abuse of power that typify the administration as a whole – and yet they are spared criticism or punishment by their own party.[80] In this situation, the criticisms of CNDD-FDD government voiced by FRODEBU's most hardline members can seem equivocal. Yet FRODEBU officials and activists are routinely harassed by the ruling party; some have even been killed.[81]

Indeed, the party of Melchior Ndadaye[82] – who had always officially advocated peaceful strategies in the struggle for democracy – today seems to have opted for a potentially violent approach to its confrontation with the CNDD-FDD as the elections loom.[83] The party's attempts to draw the FNL into its orbit appear at least partly to confirm this strategy.[84] If FRODEBU too resorts to violence, for whatever reasons, this will reinforce doubts about its capacity to stand as a credible alternative to the CNDD-FDD and its style of rule.

Yet, FRODEBU has adopted a highly democratic method to the drafting of its candidate lists for the various forthcoming elections. Candidates will be selected by grassroots members, through primary elections in which all FRODEBU's senior personalities, without exception, are expected to participate.[85] The choice of this system did provoke some internal protests – as some senior party figures had hoped to be automatically placed at the top of the candidate lists for their constituencies – but it does give FRODEBU an unimpeachable democratic credibility.[86]

2. UPRONA

Despite the steady erosion of its support over the course of the past two decades of conflict,[87] UPRONA remains a political force that has the ability to pull together a large part of the Tutsi electorate and attract the backing of a significant strand of the minority ethnic group's elite. It had hoped to attract those disappointed by the Party for National Recovery (Parti pour le redressement national – PARENA) and the Movement for the Rehabilitation of the Citizen (Mouvement pour la réhabilitation du citoyen – MRC), two other Tutsi parties that have been losing ground since the last election. But it now faces serious competition from the MSD. UPRONA is torn between the need to satisfy the material needs of many of its senior figures with ambitions for political positions, and its desire to differentiate itself from the incumbent

[78] Crisis Group interviews, FRODEBU members, Bujumbura, December 2009.

[79] Article 173 of the constitution stipulates that "A political party with members in the government cannot claim to be part of the opposition".

[80] The governor of Muyinga province, in the north west of Burundi, a FRODEBU member, notably wanted to expel the local correspondent of OLUCOME, who was condemning corrupt practices at the Burundi/Tanzania border. The party has proved to be equally toothless in its response to the numerous attacks on civil liberties for which officials of the local administration have been responsible. Crisis Group interviews, civil society leaders, Bujumbura, December 2009.

[81] See in particular, Human Rights Watch, "La quête du pouvoir: violences et répression politiques au Burundi", May 2009.

[82] Melchior Ndadaye was the first democratically elected president of Burundi. Having gained power in the June 1993 presidential election, he was assassinated on 21 October of the same year by soldiers from the base that was supposed to protect him.

[83] In late December 2009 FRODEBU youth activists, clearly prepared for fighting, engaged in direct frontal conflict with *Imbonerakure* in Cibitoke province. Crisis Group interviews, officials from local human rights groups, Bujumbura, January 2010.

[84] Crisis Group Briefing, *Burundi: To Integrate the FNL Successfully*, op. cit.

[85] Crisis Group interviews, members of FRODEBU, Bujumbura, December 2009.

[86] Ibid.

[87] In the 1993 legislative elections, UPRONA won 21.86 per cent of the votes. In 2005, it won only 7 per cent of the votes. This fall in support is explained by a number of factors, including UPRONA's controversial conduct of affairs over the years preceding both elections. Another factor was its decision to present itself in terms of its ethnic identity, focusing exclusively on the defence of Tutsi interests – a stance that, unsurprisingly, deprived it of support among the Hutu electorate. Moreover, the Tutsi electorate has been fragmented with the emergence onto the political scene of at least 10 parties defending the interests of this ethnic minority.

government. The party thus holds the vice presidency of Burundi and various ministerial and public sector positions while also trying to play an opposition game, albeit in rather less radical terms than FRODEBU.

UPRONA's leadership has recently changed as a result of the reunification of its two rival factions.[88] Whereas the party's former president, Aloys Rubuka, was increasingly suspected of collaborating with the CNDD-FDD, its new leader, Bonaventure Niyoyankana – who has been a member of the National Assembly since 2005 – is seen as a ferocious opponent of the government. He first emerged onto the political stage only in 2002 and, unlike the majority of UPRONA's veteran leadership, he was not involved in governing the country during the war years. He is liked by many Tutsis because of his outspoken style. Even so, it is difficult to know whether he will be able to unite the party's various factions or campaign on any agenda other than the defence of the rights and interests of the ethnic minority, justice and respect for designated quotas in Burundi's institutions. Clearly lacking any fresh themes, UPRONA is still reduced to playing upon awareness of ethnicity.

C. NEW POLITICAL FORCES

1. The UPD

This party was registered back in September 2002 but had a low profile, having failed to make a serious impression on the political scene. But since 2008 it has been gaining support, to the point where it has now become the prime target of CNDD-FDD efforts to suppress opposition parties. Its sudden surge to prominence is explained by the enthusiastic backing of Hussein Radjabu, who is its real leader, even though he has no official link to the party. From Mpimba central prison – where he has been detained since April 2007 on charges of threatening the internal security of the state – the former president of the CNDD-FDD managed to get control of the UPD, fundamentally reorganise the party and establish its presence nationwide.[89]

Radjabu orchestrated the UPD's campaign through his numerous contacts across the government machine[90] and his base of support in the Muslim community and among demobilised original members of the ruling party. He also appears to enjoy the support of some senior state officials and some elements of the security forces. Hussein Radjabu has also diverted to the UPD large sums of money that he had actually raised while he was heading the CNDD-FDD.[91]

The UPD's campaign theme, essentially seeking to win over the electorate of the president's party, focuses on poor governance and the betrayal of the CNDD-FDD's original ideals. With its unsurpassed understanding of the government's failings, the party has built up a grassroots campaign through which it fiercely condemns all these shortcomings, blaming them on the new government's "politics of greed" ("politique du ventre"). It also seeks to undermine the legitimacy of the CNDD-FDD by playing on the multiple human rights violations suffered by the public (and its own members).[92]

Beyond these inconsistencies,[93] the UPD's greatest weakness lies in its hefty dependence on Radjabu. The ruling party's former strongman is its main financier and he also marginalises its official leadership, who act solely at the behest of his personal decisions. And because Burundian public opinion sees this political group as linked to the

[88] The Arusha talks and their outcome sparked an internal rift within UPRONA. The dissident wing opposed to any compromise with those it saw as the authors of "genocide" – more generally known as the Mukasi wing, after one of its leaders – finally came to terms with the "official" faction line and rejoined it after a long process of internal negotiations.

[89] Crisis Group interviews, senior political party figures and diplomats, Bujumbura, October and November 2009.

[90] He has an extensive network of loyal supporters, having put together the CNDD-FDD candidate lists for the various elections of 2005 and having installed many cadres in senior public sector positions. Crisis Group interviews, CNDD-FDD members, Bujumbura, October and November 2009.

[91] The CNDD-FDD party reportedly received large sums of money from Burundian business circles and some other countries in the region, while Hussein Radjabu was the general secretary and then the president, particularly for the 2005 elections campaign or for various party activities such as the organisation of its party congresses. Crisis Group interviews, businessmen and former members of the CNDD-FDD, Bujumbura, January 2010.

[92] Crisis Group interviews, senior political party officials, Bujumbura, October and November 2009.

[93] At the UPD general assembly on 13 December 2009, largely focused on preparations for the forthcoming elections, the party said it was ready to look at the possibility of forming a coalition after the municipal elections. Its final communiqué stressed that "this coalition can be put together at the level of the Municipality Councils, at the parliamentary level, or at the level of the Executive – and this can be with the governing party or the so-called 'opposition' parties". This was a surprising stance for a party that is supposedly opposed to CNDD-FDD rule. See "Assemblée générale du parti UPD-ZIGAMIBANGA à Bujumbura", 21 December 2009, www.burundibwiza.com/index.php?option=com_content&view=article&id=1972:lassemblee-generale-du-parti-upd-zigamibanga-a-bujumbura-&catid=1:actualite-nationale&Itemid=2.

former president of the CNDD-FDD, many citizens are wary of it because of the negative image of the Radjabu era, which was characterised by strong authoritarian tendencies and corrupt practices.

2. The MSD

Created through the initiative of a former newspaper director, Alexis Sinduhije, the MSD stands out in the Burundian political scene for the urban background of its leadership, the youthfulness of most of its supporters and its appeal among both Tutsi and Hutu. It is also the only political force whose leaders have never been implicated either closely or even remotely in the Arusha saga or in armed conflict. This is no mean asset when it comes to putting the mechanisms of transitional justice into action.[94] In spite of the past links between its founder and the former president of the president's party, Hussein Radjabu,[95] the MSD forms part of the radical opposition to the CNDD-FDD. This is probably explained by the fact that its registration was blocked for a year and a half by the minister of the interior.

The MSD is distinguished by the freshness of its approach to a number of topical issues.[96] Moreover, it is one of the few parties to have developed a political program upon which it has sounded out the views of its activists. This is certainly an original and rather innovatory approach, but it still has flaws and contradictions.[97] The president of the party has an impressive international address book, particularly in Western countries, where he is a regular visitor. Indeed, this advantage is one of his main campaign arguments. Alexis Sinduhije is also believed to control one of Burundi's main radio stations, of which he is the founder and former director.

Like the UPD, the MSD is a political party that is gaining support, even in rural areas, where its early campaign tours have attracted big crowds. Its diverse base of support consists mainly of younger people from urban and peri-urban areas, as well as those disappointed with the Tutsi political parties or the CNDD-FDD, because it is perceived as a force for change. The party is also identified closely with its president, who is its real driving force. Although the party does now include a number of intellectuals, its standing is directly linked to that of its president.[98]

Openly populist in its message, the MSD is sure to secure a role in Burundi's political and administrative institutions and it will thus help to reshape the country's political landscape. It remains to be seen whether it will prove possible to translate its message – focused on restoring the rule of law and fighting financial misappropriation, bribery and impunity – into concrete measures to combat nepotism and patronage and thus contribute to the promotion of a more moral climate in Burundian politics.

D. The 2010 Elections: What is at Stake?

The result of the 2010 election will be particularly tight. For a start, voters will no longer see a contest between a minority party/state machine and a single opposition force that represents the majority of the electorate, as in 1993. Instead, there are several parties that all claim to be able to overthrow or at least influence the balance of forces in the national political landscape, notably by each capturing a significant slice of the Hutu electorate (85 per cent of the voters). Meanwhile, because Burundi's constitution seeks to moderate any group or party's domination of the country's institutions, a narrow election victory does not give a political party the scope to govern freely.[99]

The votes of the Hutu electorate are likely to be shared among the CNDD-FDD, FRODEBU, the FNL, the UPD and even the MSD. So there is little prospect of the

[94] It is generally accepted that most political parties have much to fear from the search for truth and justice in Burundi, particularly in light of the role played by some senior figures in these in the crimes committed over the past two decades.

[95] Then director of the RPA, Alexis Sinduhije encouraged its radio station to campaign openly for the CNDD-FDD during the 2005 elections.

[96] To prevent the executive controlling the judicial system, the MSD proposes, for example, "a system for the nomination of judges from which the Executive and the Legislature would be excluded and over which they would have no power". See "Projet politique du MSD", burundi.news.free.fr.

[97] Some important issues, such as the problem of land, are sidelined. Others such as access to water and electricity are overshadowed. Issues of this kind are not addressed in the party's programme and the word "woman" is mentioned only once – which is certainly odd, given the violence and discrimination that women continue to suffer. This is particularly strange for a party that presents itself as modern and whose second highest personality is a woman.

[98] It is a "one-man show" according to one Western diplomat. Crisis Group interviews, diplomats, Bujumbura, November 2009.

[99] Article 175 of the constitution provides that: "The National Assembly can only take valid decisions if two thirds of the deputies are present. Laws are approved by a two-thirds majority of the deputies who are present or represented. Fundamental laws are approved by a two-thirds majority of the deputies who are present or represented, provided that this majority is greater than the absolute majority of the members who constitute the National Assembly. The two-thirds majority of the deputies who are present or represented is also required for the passage of resolutions, decisions and important recommendations". Identical provisions apply in the Senate.

elected president winning the legislative or senatorial elections by a large majority. Indeed, these contests could produce a transformation of the political landscape, with new political movements making their appearance in national institutions. Parliament could become more fragmented, with no party commanding a majority; a re-elected or newly elected president would have to come to terms with this.

In 2005, the CNDD-FDD won the elections by a wide margin, gaining almost 60 per cent of the votes in the municipal and legislative polls. Its five controversial years in government could provoke a marked drop in its support, which could sink below 50 per cent, even if President Nkurunziza is re-elected. The order in which the elections will be held will hamper the CNDD-FDD, because the municipal polls[100] precede the presidential contest – for which its prospects of victory look much the brightest, perhaps not in the first round but probably in the second round. But a CNDD-FDD setback in the municipal elections could work in favour of the opposition parties in the legislative and senatorial votes, enabling them to mobilise their supporters under the slogan of "anything rather than absolute power to the CNDD-FDD".

The CNDD-FDD also faces the prospect of an alliance between opposition forces, particularly with a view to a second round vote in the presidential and legislative election polls.[101] Opposition parties have already been in contact with each other to try to form a common platform and strategy. This scenario is a huge worry for the president's party. A poor municipal elections performance by the latter, coinciding with the main opposition parties' formation of an alliance for the presidential and legislative polls, would certainly open the way to a weakening of CNDD-FDD control over the country. Fearing their party could lose its parliamentary majority and control over the regional administration and thus be forced into ongoing deals with the other parties in order to govern, radicals within the former rebel movement might attempt to engineer a security force intervention to take control of the election arrangements.

But FRODEBU and UPRONA also face high stakes in these elections. The polls will decide whether FRODEBU remains a major league political player. Aware that it has lost some of its traditional support, thanks to the competition that it now faces from new political movements, particularly the FNL and the MSD, the party hopes to hang on to more than 20 per cent of the vote – a share that would give it hope of playing an important role in a political landscape where there is no single dominant party in charge.

For UPRONA the key question is even more critical: can it retain its place in Burundi's political institutions? The MSD won only seven per cent of the vote in 2005, but it is steadily eating deep into UPRONA's old electorate. If UPRONA fails to get five per cent of the vote, it will lose the right to participate in government and to occupy one of the country's vice presidencies.[102] Beyond such questions of positions and patronage, an electoral debacle would eventually threaten its survival as a party and relegate the former party/state machine to a marginal role, like other small Tutsi groups.

[100] Article 181 of the electoral law stipulates, in particular, that "The Municipal Council consists of fifteen members, including at least 30 per cent women. They are elected by direct universal suffrage on the basis of closed proportional representation lists of political party nominees or independents. Each list must take account of diversity in ethnicity and gender participation. The closed list contains at least fifteen candidates and a maximum of thirty candidates. Even so, in cases where the composition of a municipal council would not reflect the ethnic and gender diversity of the electorate the Independent National Electoral Commission can order the cooption into the council of individuals from an under-represented ethnic group, provided that individuals who are so coopted do not constitute more than a fifth of the members of the council. The individuals to be coopted are designated by the Independent National Electoral Commission in equal numbers, starting with the elected lists, in the order in which each list has attracted votes".

[101] Article 108 of the electoral law stipulates that: "The National Assembly comprises at least 100 deputies, 60 per cent Hutu and 40 per cent Tutsi, including at least 30 per cent women, elected by direct universal suffrage on the basis of proportional representation closed lists, composed so that out of any three successive candidates on a list, only two belong to the same ethnic group and at least one in four is a woman". This election consists of the same mechanisms for cooption as for the communal elections.

[102] Article 129 of the constitution provides that: "The Government is open to the participation of all ethnic groups. It contains a maximum of 60 per cent Hutu Ministers and Deputy Ministers and a maximum of 40 per cent Tutsi Ministers and Deputy Ministers. At least 30 per cent of its members are women. The members come from those various political parties that have secured at least a twentieth of the votes and wish to participate. These parties are entitled to a percentage of the total number of Ministers – rounded down – that is at least equal to the percentage of the seats that they occupy in the National Assembly. When the President ends a Minister's appointment, the replacement is made after consultation with the political party from which they come. Concerning the Vice Presidents of the Republic, the basic law provides that the President is assisted by two Vice Presidents. It stipulates, in Article 214, that: "The Vice Presidents belong to different ethnic groups and political parties. Without prejudice to the preceding paragraph, their nomination takes account of the predominance of their ethnicity within their respective political parties".

The FNL, meanwhile, is participating in the elections for the first time. In principle, therefore, it has nothing to lose, particularly because it is tipped to win a relatively large share of the vote, at 20-25 per cent. The group therefore aspires to play a major role in the future of Burundi and its leader is seen as the most serious threat to Nkurunziza's prospects of another victory in the presidential race. Indeed, the former rebel movement hopes that its candidate can ultimately win this election, by winning over the votes of other opposition parties if there is a second round.[103] However, an election that sees a face-off between Nkurunziza and Rwasa would not necessarily be the worst possible scenario for the CNDD-FDD. The FNL would probably not be able to mobilise all the opposition voters in support of its candidate.[104] Moreover, the outgoing president could present himself as the guarantor of stability, playing on the fears and worries that are felt about Rwasa both within Burundi and in the wider region.

The UPD and the MSD should be able to notch up honourable electoral scores, in the 5-15 per cent range, and thus establish their positions in national institutions. A strong vote for the UPD would certainly eat into the CNDD-FDD's vote; the same is also true, to a lesser extent, for the MSD. The latter could be the surprise package of this election, because it appeals to a diverse electorate. It is possible that it could do almost as well as the major players in the race.

The greatest risk is therefore that the CNDD-FDD will be tempted to use force to ensure that it does not lose control over the municipalities and parliament or – in a worst-case scenario – ensure victory for itself in the presidential race. This could provoke a violent response from opposition movements, which would destroy the credibility of the elections process and plunge Burundi into a grave political crisis.

[103] Article 92 of the electoral law provides that: "The election of the President of the Republic takes place under a uninominal two-round voting system. The President of the Republic is elected with an absolute majority of the votes cast. If this is not obtained in the first round, a second round is held within fifteen days. The only candidates who may stand for the second round are those who have received the greatest number of votes in the first round. Should one or other of these two candidates step aside, the following candidates come forward, in the order in which they received votes in the first round. The candidate who is declared elected in the second round is the one who has secured the largest number of votes cast".

[104] UPRONA will have problems making the case to its electorate for an alliance with the FNL. The same is true for the MSD, whose voters would have difficulty understanding the choice of Rwasa – a figure of deep and longstanding controversy on the political scene – as the standard bearer for the ideals of change and democratic renewal.

IV. THE SCALE OF THE SECURITY CHALLENGES

In spite of a clear improvement in security conditions in Burundi, thanks to the integration of the FNL, crime remains widespread across the country.[105] Armed civilians, groups of armed bandits and demobilised fighters are responsible for this situation. But members of the security forces, and serving police in particular, are also involved.[106] Most often, the motives for this activity are purely criminal. But disputes over land are also an important cause of violent incidents, especially in regions where land is in desperately short supply or those with a high density of returned refugees who have come back from Tanzania. The political context does not directly influence the scale of different types of criminal activity, even though there is evidence that in the past, groups of civilians have taken advantage of armed conflict in order to commit crimes behind the cover of the FNL name. Today's political violence is not remotely on a scale comparable with conditions when the civil conflict was underway; it is limited to clashes between civilian supporters of the main competing political groups.[107]

[105] Crisis Group interviews, PNB officials, Bujumbura, December 2009.

[106] A survey of public perceptions of security conditions and expectations about the level of protection that Burundi's national police should provide was carried out in November and December 2008 by the Centre d'alerte et de prévention des conflits (CENAP) and Institut Nord-Sud (INS) in Ottawa, Canada, questioning a cross-section of 2,260 people from all the country's provinces. Members of the public who said they had been victims of violence named the police among the main groups who had committed attacks, accounting for 9.7 per cent of the attackers, according to victims who were questioned. In a previous survey carried out by the same research organisations in the second half of 2006, some 14 per cent of the enquires identified the police as the main group responsible for insecurity. Kristiana Powell, "Réforme du secteur de la sécurité et protection des civils au Burundi: réalisations, dilemmes et idées pour l'engagement international", CENAP/INS working document, July 2007.

[107] Crisis Group interviews, officials in local and international human rights organisations, Bujumbura, January and February 2010.

A. MOBILISATION OF POLITICAL PARTY YOUTH WINGS AND DEMOBILISED FIGHTERS

As a result of the war years, arms are widely held among Burundi's civilian population.[108] Despite claims about the success of the official disarmament campaign that finished in October 2009, weapons are used ever more frequently in the attacks that are now a feature of life in the capital and other large towns in daytime as well as at night. Much of the weaponry of the former rebel forces and the many demobilised fighters has yet to be gathered in.[109] In this situation, the political parties seem to be equipping themselves for violent confrontation by attempting to recruit as many former combatants – who are often armed – as they can.

Since 2008 the CNDD-FDD has been mobilising its former fighters, who are organised in a quasi-military hierarchy and some of who have been given weapons.[110] These demobilised fighters take an active party in the physical training of the party's youth movement, the *Imbonerakure*.[111] Opposition parties now claim that the *Imbonerakure* are responsible for a number of violent attacks on their supporters, including their youth groups.[112] They are also accused of operating like militia fighters.[113] The governing party makes no secret of the fact that its youth activists are being trained, but its explanations of their role are ambiguous and sometimes contradictory.[114] Their role is particularly controversial because of the speeches and slogans delivered during their training sessions.[115]

For its part, the FNL had already built up its own youth movement during the armed struggle. The Hutu Patriotic Youth (Jeunesse patriotique hutu – JPH) was mainly assigned to campaigning and fundraising tasks. But today it is engaged in recruitment activities. In particular, the former rebel group has thousands of demobilised fighters, with whom it maintains close contacts.[116] Admittedly, it has also angered many former members of its old forces, the auxiliary fighters: they have been sent back into civilian life with just a small discharge payment of less than $100 and feel themselves to be the victims of false promises. However, the FNL could still make honourable amends for this and mobilise both its youth movement and its demobilised ex-fighters in preparation for future confrontations.

Since the beginning of 2010, their youth activists have been clashing with the *Imbonerakure* in Cibitoke province, in the Bujumbura municipalities of Kanyosha and Kinama and in Kirundo province. In the latter two areas,

[108] At least 100,000 households possess a weapon, according to a special report by the *Small Arms Survey* and the Iteka league, published in August 2007 under the title "Les armes légères au Burundi: après la paix, le défi du désarmement civil". Faced with this situation, the Burundian government launched a voluntary disarmament campaign under which 80,000 small arms were collected, according to General Zénon Ndabaneze, president of the Commission for the Disarmament of the Civilian Population and the Struggle Against the Proliferation of Light or Small Calibre Weapons (Commission de désarmement de la population civile et de lutte contre la prolifération des armes légères et de petit calibre – CDCPA). See "Burundi: des milliers d'armes récupérées", IRIN, 5 November 2009, www.irinnews.org/fr/ReportFrench.aspx?ReportID=86885.

[109] During the second half of 2009, major weapons caches were seized in several locations in rural Bujumbura province. These weapons were discovered thanks to the cooperation of members of the new dissident wing of the FNL led by, among others, Pasteur Habimana, the movement's former spokesman. The authorities blamed the weapons caches on the FNL – which denied that it had been holding them. Agathon Rwasa even called for the establishment of a commission of enquiry into the matter. See "Le leader du FNL Agathon Rwasa conseille à ses détracteurs de créer un autre parti politique ou d'adhérer à un des partis politiques déjà agréés", Radio télévision nationale du Burundi (RTNB), 29 October 2009, www.burundi-quotidien.net/polit.html.

[110] Crisis Group interviews, demobilised CNDD-FDD members, Bujumbura, December 2009.

[111] "Those who see from far away".

[112] See the security section of the local news for Tuesday 26 January 2010 on the website www.arib.info/index.php?option=com_content&task=view&id=1502&Itemid=103.

[113] In a press conference on 5 May 2009, Léonce Ngendakumana, FRODEBU's president, accused the CNDD-FDD of having forged an alliance with a militia. "We have proof of the rearmament of this party's former fighters; we have proof that the *documentation* (presidential police) has already killed tens of people; we have proof that the president's party has created a militia", he proclaimed.

[114] In an order dated 17 November 2009, the minister of the interior told provincial governors and municipal administrators to stop allowing youth activists in certain political parties to use sport for political ends. Yet the very next day the president insisted that "Sport is an important means of socialisation and has a positive impact on health". He went on to add that "for these reasons it is permitted, provided that it is carried out within the limits set by the law". Speaking of the CNDD-FDD's youth movement, he said that "Groups such as the young *Imbonerakure* have nothing in common with the *Interahamwe*". "President Nkurunziza is congratulated by his people for the peace prize awarded to him by the San Egidio Community", presidence.bi, 19 November 2009.

[115] In particular, during these training sessions the following slogans are shouted: "*zirye*" ("Eat them!"), "*shirira*" ("Burn in the fire!").

[116] Crisis Group interviews, demobilised FNL fighters, Bujumbura, December 2009.

fighting has been particularly violent, leaving many people seriously injured. This has led the Interior Minister to suspend the sporting activities of the political party youth movements in Kirundo province, where there had been a proliferation of clashes between *Imbonerakure* and other youth groups.[117]

In January 2009, FRODEBU officially celebrated the recruitment of more than 300 demobilised fighters.[118] In the days after this ceremony, three of them were killed and others received death threats. After this, the party became more discreet about its enrolment of demobilised fighters. Nevertheless, it has invited its youth activists to join sports training programs in response to the sporting activities of the *Imbonerakure*, which the the CNDD-FDD and the authorities have refused to ban. Some FRODEBU officials even insist that during the campaign they will meet violence with violence, should the need arise.[119]

The UPD has been careful not to indulge in similar rhetoric; it is already under pressure from the ministry of the interior, which accuses it of developing an armed organisation.[120] However, the party is thought to be similarly active in recruiting demobilised fighters and it enjoys substantial support from sections of the official security forces. Meanwhile, the MSD's campaign is supported by groups of demobilised fighters who were recruited into its ranks during its infancy. On a number of occasions when the party president has appeared in court his young supporters have repeatedly clashed with the security forces, thus demonstrating their potential for violence.

Moreover, the ongoing conflicts in the east of the Democratic Republic of Congo fuel the smuggling of small arms on both sides of the frontier; weapons could easily be diverted into Burundi. The fighting in Congo, with various rebel groups promising the chance of quick rewards, continues to attract desperate young people from all ethnic backgrounds, including those who are rootless or demobilised, or disappointed former FNL supporters.[121] When they return to Burundi, trained in the use of arms and experienced in combat, they are prized recruiting targets for the political parties, which are seeking to build up their "strike forces" to protect themselves and intimidate rivals.

B. Politicisation of the Defence and Security Structures

Since the establishment of the Republic in 1966, defence and security structures had been under the almost constant control of the Tutsi minority. The army was right at the very centre of power, installing or overthrowing regimes, to protect its interests or those of its dominant factions. This situation came to an end in 2004, with the implementation of the reforms envisaged by the Arusha agreement. This fused the seven former rebel movements into the new Burundi National Police (Police nationale du Burundi – PNB) and the new National Defence Forces (Forces de défense nationale – FDN). The constitution subordinates the security forces – composed, in principle, of equal numbers of Tutsis and Hutus – to the civil authorities, formalises their political neutrality and places them at the service of the population.

This process of integrating the rebels into the defence and security forces was hailed as one of the main successes of the peace process, for it produced no friction at all between the formerly opposed belligerent forces. It also created the conditions for a remarkable evolution: former Tutsi commanders hitherto known for meddling in politics now appear to have voluntarily stepped aside from the political arena. However, the former FDD fighters have taken over this political role: in bars and cafés across Bujumbura, conversations often turn to speculation about the alleged intrigues of a clutch of senior security force officers who supposedly play a backroom role in many decisions at the highest level of government. In any case, the PNB and the SNR, both under CNDD-FDD control, are regularly accused of obstructing the activities of opposition parties and hunting down their members.[122]

Local and international human rights groups have attributed a number of political killings to the official security services.[123] Indeed, some of these officials are suspected of being among those who ordered the murder

[117] See the security section of the local news for Friday 29 January 2010 on the website www.arib.info/index.php?option=com_content&task=view&id=1516&Itemid=103.
[118] Crisis Group interviews, senior figures in FRODEBU, Bujumbura, November 2009.
[119] Crisis Group interviews, senior figures in FRODEBU, Bujumbura, September and October 2009.
[120] The ministry of the interior, claiming to have proof that the UPD has been armed, has threatened the group with sanctions. Crisis Group interviews, senior UPD officials, Bujumbura, November 2009.
[121] Laurent Nkunda's National Council for the Defence of the People (Conseil national pour la défense du peuple – CNDP) had recruited several hundred Burundians into its ranks. Crisis Group interviews, senior defence and security force officials, Bujumbura, September and October 2009.
[122] See "On s'enfuit quand on les voit: exactions en toute impunité commises par le service national de renseignement au Burundi", Human Rights Watch, October 2006, and *La quête du pouvoir: violences et répression politiques au Burundi*, Human Rights Watch, op. cit.
[123] Ibid.

of the vice president of OLUCOME. The PNB is widely perceived as under the control of the ruling party.[124] This analysis overstates the case: the heterogeneous composition of this force would resist easy manipulation. But some senior officials within it have certainly been responsible for reprisals against the opposition and critics of government.[125] Moreover, many police concede that their force is sometimes manipulated for political ends.[126]

Some municipal administration officials also seek to manipulate the police.[127] This institution, largely recruited from members of the ruling party, sometimes shows an excess of zeal in its treatment of opposition parties and some civil society organisations. The municipality's law confers responsibility for the police on municipal administrators, many of whom abuse these powers, using the police in a range of repressive operations, for example, arresting presumed FNL members or political opponents and preventing political parties from holding meetings.[128] There is a widespread fear that the PNB could join the harassment of the opposition as the forthcoming elections draw near.[129]

C. Risks of an Escalation in Violence

In a political context that is already extremely tense, the risks of an escalation in violence are certainly real. Reports – currently hard to confirm – of weapons being distributed to some of the ruling party's former fighters highlight these dangers. On 21 December 2009 five opposition parties wrote to the governor of Bubanza province, telling him they had heard reports about the local distribution of arms to members of the CNDD-FDD and asking him to take appropriate measures.[130] On 10 January 2010, in this same province, one of the local representatives of the UPD was murdered; another official from this party had been killed earlier in the south of the country.

The last report of the Group of Experts on the illegal exploitation of resources in the Democratic Republic of Congo (RDC)[131] cites the failure of an attempt to order 40,000 guns supposedly destined for the PNB; the true intended destination has not been clarified. There are strong reasons to fear that the *Imbonerakure* will be pressed into service under the command of a local administration which is firmly under the regime's control. The importance of what is at stake in the municipal elections – the first polls to be held – could fuel an upsurge in acts of violence against the youth movements of the other political parties and other lukewarm voters. Aware that they are dealing with groups that are already geared up for potential armed confrontation, supporters of the president's party could resort to the use of knives or, in some cases, get hold of small arms.[132] Furthermore, several political party leaders have said they will not stand idly by if they are provoked, thus showing themselves ready to ultimately opt for violence.

While it is clear that a large number of Burundians are now strongly attached to peace, thus reducing the risk of large-scale conflict, the use of violence remains commonplace. The local press frequently reports cases of angry crowds, in all regions of the country, beating or even lynching thieves caught red-handed. Although they reject the option of a return to war, many Burundians have thus become used to violence, sometimes commit violent acts themselves and regard it as a legitimate option for highly questionable reasons. In a context of widespread tension, where some of the forces responsible for maintaining internal order and security could themselves resort to acts of violence, it could prove extremely difficult to contain violent outbreaks. And the political forces

[124] See the report of the workshop held on 16 and 17 February 2009 in Bujumbura on the relationships between police and civil society in Burundi, organised by the Centre for Conflict Alert and Prevention (Centre d'alerte et de prévention des conflits – CENAP), the International Center for Transitional Justice (ICTJ) and the PNB.

[125] According to the results of a survey of the PNB carried out by the ICTJ, this force consists of 7,500 individuals from the former rebel forces, exclusively Hutus, including 5,000 from the CNDD-FDD alone. But 6,500 of these also come from the Forces armées burundaises (FAB) and 2,000 from the old gendarmerie, two forces where Tutsis were the majority. Crisis Group interviews, Bujumbura, October 2009.

[126] In a diagnostic study of governance and corruption in Burundi, based on surveying a sample of 1,810 individuals, "a not insignificant minority – 20 per cent – of police personnel state that one of their important roles is the pursuit of the political opposition. This necessarily places them in a partisan role when they are supposed to be ensuring the safety of everyone, including political opponents". See "Rapport d'enquête: étude diagnostique sur la gouvernance et la corruption au Burundi", Ministry of the Presidency, Responsible for Good Governance, Privatisation, Public Audit and Local Government, Bujumbura, May 2008, p. 11.

[127] Crisis Group interview, PNB officials, Bujumbura, December 2009.

[128] Ibid.

[129] See the report of the workshop on 16 and 17 February 2009 in Bujumbura, op. cit.

[130] Crisis Group interviews, opposition party officials, Bujumbura, January 2010.

[131] "Final Report of the Group of Experts on the Democratic Republic of the Congo, (Rapport final du groupe d'experts sur la République démocratique du Congo)", S/2009/603, 23 November 2009.

[132] See "4 blessés dans des heurts entre jeunes du CNDD-FDD et militants des FNL" ("Four wounded in clashes between youth activists of the CNDD-FDD and FNL activists"), www.arib.info, 20 janvier 2010.

that fall victim to such excesses will probably be tempted to respond in kind, to avoid giving any impression of surrender or weakness in the face of violence and also because some of them feel they have the strength to confront this challenge on the ground.

It seems unlikely that this violence will be ethnic in nature – the battle over political power is essentially between groups appealing to the Hutu electorate – or that the army will become involved, unless there is a dramatic escalation. But there are reasons to fear a proliferation of murderous incidents in which the activists of majority Hutu political groups confront each other. This would seriously damage the credibility of the electoral process and instantly imperil the national stability that has been so painstakingly forged after almost 15 years of war, peace process and negotiation.

V. GUARANTEEING A CREDIBLE ELECTORAL PROCESS

The restrictions on civil liberties and the intimidation, harassment and violence routinely faced by the activists of some opposition parties are a concern for Burundi's key external partners.[133] They are worried about whether the government really is prepared to make the arrangements needed to ensure that the next elections take place in a fully transparent and fair manner. Indeed, pre-election tensions are fuelled by a feeling in some quarters that fraud is being prepared.

Relations between the government and the international community took an unexpected turn in late 2009 with a request for the replacement of the Special Representative of the United Nations Secretary General, Mahmoud Youssef. He had actually been one of the diplomats who was most conciliatory in his dealings with the incumbent government. The measure has affected each head of the UN system in Bujumbura since the CNDD-FDD's accession to power.[134] Officially explained by the fact that Mr Youssef's personal profile would not correspond with the new orientation of the UN mission – which now falls under the UN's Department of Political Affairs[135] – the request for his removal was probably provoked in large part by the publication of the Secretary-General's last report on BINUB. The government felt that the report's conclusions were "unjust".[136]

[133] Peter Maurer, president of the Burundi Configuration of the Peacebuilding Commission and Permanent Representative of Switzerland to the United Nations set out his concerns on this point during a 10 December 2009 session of the Security Council which was especially devoted to Burundi. These worries were also aired on 11 December 2009 by the chargée d'affaires in the office of the embassy of the Kingdom of the Netherlands, Madame Jeannette Seppen, during the signing ceremony for a Euro3 million financing convention for the CENI. "Burundi: préoccupation concernant le financement des élections de 2010", ("Burundi: Concern over the Financing of the 2010 Elections") UN News Centre, 10 December 2009; Bonesha FM, 11 December 2009.

[134] His predecessor, Nureldin Satti, was declared *persona non grata* in Burundi in August 2006. Before him, Carolyn Mac Askye left in a hurry in April 2006, to pre-empt her expulsion.

[135] Verbal note of the Ministry of International Relations and International Cooperation N°204.05/3390/RE/2009 of 24 December 2009.

[136] In particular, this relates to the decision to keep Burundi in security phase III and the fact that the report expressed concern about certain actions of the *Imbonerakure* such as their participation in patrols and arrests, alongside officials and police officers. "Sixth report of the Secretary-General on the United Nations Integrated Office in Burundi", S/2009/611, 30 November 2009.

The government accuses Mahmoud Youssef of – among other supposed faults – being close to the opposition, of failing to cooperate with the CNDD-FDD, of always agreeing with the CENI and of giving preferential treatment to the Tutsi minority in the recruitment of his staff.[137] Its move against him also appears to be a form of revenge for the publication of the United Nations Group of Experts report on the DRC.[138] This document picks out a number of senior figures because of their support for the Forces démocratiques de libération du Rwanda (FDLR).[139] Some CNDD-FDD leading lights suspect that the UN diplomat was actively involved in the drafting of the Group of Experts' report.

This latest snub to the United Nations in Burundi could also reflect the desire of the president's party to limit the international community's room for manoeuvre in implementing initiatives to ensure the credibility and security of the elections. International partners will have to show firmness and provide active support to the initiatives outlined below, which will be necessary to prevent possible abuses. Mahmoud Youssef left Burundi at the end of January 2010 and he has not yet been replaced. It is essential that the Secretary General of the United Nations appoint a successor immediately and that the international community give fully committed support to the new Special Representative during the election period.

A. Supervising the Neutrality of the Defence and Security Forces

The behaviour of the defence and security forces before, during and after the elections is a question that seriously worries the political class, civil society and international actors. In the various countries where elections have been damaged by large-scale fraud – usually to the benefit of the incumbent government – such abuses have taken place under the complacent supervision of the forces of law and order, and sometimes with their active assistance. The neutrality of these forces in Burundi is one of the main guarantees that the election will be carried out fairly. This is what has led those partners involved in supporting the reform of the security sector into financing a program of training in election security for the whole of the police force. This program lays special stress on the defence and security forces' duty to remain neutral.[140]

It is vital to ensure that weaknesses in the training and education of members of the forces of law and order do not contribute to a failure of the security arrangements for the elections. It is not uncommon to see police commit abuses through simple ignorance of the law.[141] Moreover, to limit the risk of the security forces being manipulated it is necessary to back up the training with complementary support measures.

For example, some of the forces' senior personnel remain active in the political movements from which they have come, although this is a flagrant breach of the law.[142] Those in charge of the defence and security forces should definitely impose disciplinary measures upon members who are shown to be politically active or to act in a partisan manner. Up to now, no such punishment has been imposed for shortcomings of this kind – and that encourages these practices to continue. The demonstration of neutrality in the exercise of police and military functions should be among the conditions for appointment to positions of command; it should also, in itself, provide grounds for promotion.[143]

The creation of fora for dialogue between civil society, Parliament, the local administration and the defence and security forces is under discussion and development. Such fora for discussion would aim particularly at improving the security forces' efficiency and sense of responsibility towards the public. One feasible practical initiative would be the development of a program for monitoring the behaviour of the security forces during the election – preferably by agreement with all concerned parties. This would be carried out by civil society groups or media outlets chosen for their expertise or professionalism. Besides the task of condemning illegal or fraudulent practices that are identified, this exercise would also be a means of highlighting forms of behaviour that should be encouraged and the individuals or force units that

[137] Crisis Group interviews, diplomats, Bujumbura, December 2009.

[138] The revelations of collusion between certain senior Burundian security officials and the FDLR led to the suspension of Norwegian and Dutch direct budget aid to Burundi. Crisis Group interviews, European diplomats, January 2010.

[139] The FDLR is a Rwandan Hutu rebel movement based in the Kivu provinces of eastern DRC. Some of their fighters are reported to have been implicated in the 1994 genocide in Rwanda.

[140] This training alternates classes for specific groups of personnel – officers and non-commissioned officers, in particular – and a core programme. A substantial section of this latter module is devoted to the requirement for police neutrality.

[141] Crisis Group interviews, international NGOs participating in police training, Bujumbura, January 2010.

[142] Ibid.

[143] The constitution contains a number of articles relating to the neutrality of the defence and security forces; but neutrality is not a compulsory requirement for individual nominees to positions of responsibility in these forces. Indeed, quite the contrary: the choice of senior personnel always seems to be dictated by respect for the quotas set down in the November 2003 peace accords signed between the transitional government and the CNDD-FDD.

value such good conduct. When abuses are identified, it should also be possible to establish who has responsibility at command level.

A report on the results of this monitoring exercise would then be assembled and distributed widely, particularly within the government machine. Its conclusions could also be presented to the newly elected Senate. This would help to dissuade senators from confirming the nomination of individuals against whom accusations had been raised in the report to public positions of responsibility; the Senate briefing would also encourage senators to confirm promotions for those who had demonstrated unwavering professionalism. Moreover, it would also be a good idea to ensure that the police units deployed at local level to supervise the elections are drawn from a wide range of parent force divisions. Units composed of both Hutu and Tutsi personnel – the first of whom would come from the former parties and armed political movements (PMPA), while the latter would come from the old government forces – would be much less likely to become partisan than would units of a homogenous composition. Arrangements of this kind would, at the very least, seriously hinder attempts to manipulate the elections, and they would facilitate efforts to neutralise in advance any partisan attempts at intervention.

The region – Rwanda, Tanzania, Kenya, and Uganda – could also make a useful contribution by deploying a police mission in support of election security. Teams of eight to 12 police officers each could be deployed in each province, working within the PNB, to support the planning and implementation of election security measures. Each equipped with vehicles and communication systems – so that they could travel around independently – these teams would work discreetly within the PNB, helping to ensure that it remains impartial and reinforcing its professionalism.

A commissioner, working in close cooperation with the chief of police in Bujumbura, could supervise these teams. Countries that are donors to the United Nations Peacebuilding Commission could provide the funding for this operation. The commissioner in charge of the operational side of the mission would report to a special envoy from the region, a political figure specifically mandated to facilitate dialogue between the parties in cases of disputes over the organisation of the electoral process or serious incidents (see below).

B. Consolidating the Role of the Media and Civil Society

In 2005, broadcast media played a remarkable role in the coverage of the election process. They worked together and reported in great detail on the way the various election-related incidents took place throughout the country. Their efforts bolstered the transparency and credibility of the polls and encouraged the political parties to respect their code of conduct, curbing efforts to manipulate the elections. Moreover, the way that media outlets complemented each other enabled listeners to stay informed, through live broadcasts, about the unfolding of election activities, the counting of the ballots and the gradual reporting of results. Furthermore, civil society put a big effort into observing the elections, notably through the Civil Society Coalition for Election Monitoring (Coalition de la société civile pour le monitoring des élections – COSOME). These various activities were praised as much by the CNDD-FDD as by other parties. They were feasible because of the financial support of Burundi's main international partners.

Encouraged by the success of this experience, the country's foreign partners have now set up a joint fund to support all the initiatives that aim to support the role of the media in the election process.[144] While the press has grown in size and quality over the past two decades, the legal and regulatory context in which it operates has also become much more comfortable. Even so, the press faces some difficulties that could affect the quality of the service that it provides during the election period: journalists often lack motivation because they are poorly paid and some fail to appreciate the key principles of work as a journalist. This encourages corruption among some journalists. These challenges are compounded by changes in the media landscape, which has seen the emergence of media outlets closely associated with political groups, while some existing outlets have evolved into vehicles for clandestine party propaganda.

Within civil society, new organisations have appeared and numerous alliances have developed between associations operating in common areas of activity; this has of course expanded the reach and visibility of their activities. Various initiatives are also underway to help this development of civil society.[145]

[144] The international community has initiated a project to support the press during the election period – the Joint Plan for Support for the Media (Plan commun d'appui aux médias – PACAM), funded to the tune of US$2 million. The PACAM forms part of the CENI's core programme agenda. The main themes of its work include the training of journalists and the institutions for regulation and self-regulation of the media, the production of broadcasts relating to the elections, and the deployment of reporting journalists to various provinces, before, during and after the elections. Crisis Group interviews, senior figures in the Burundian media, Bujumbura, January and February 2010.

[145] This mainly takes the form of training. Crisis Group interviews, senior COSOME official, Bujumbura, January 2010.

To ensure that the initiatives underway or on the verge of being launched do in fact contribute towards the success of the election process, the media and civil society organisations involved need extra support for their coverage and monitoring of the elections. The broadly successful experience of the 2005 "Synergie des médias" ("Media synergy") was not without shortcomings. The journalists that took part in it have stressed the critical importance of training if a similar exercise is to succeed this time.[146] Moreover, it would be sensible to ensure strict application of the core operating principles of the PACAM charter. The conflicts that are already evident within certain media could undermine both the coherence of a fresh "Synergie" exercise and respect for its agreed arrangements.[147]

To offset breaches of the charter, it would be desirable to subject repeat offenders to disciplinary measures – particularly the threat of exclusion from participation in Synergie. This would encourage the widest possible coverage of the whole election campaign. It would help to broaden journalists' experience and to correct inaccuracies and mistakes as coverage of the electoral process unfolds. It would also test the feasibility of securing cooperation between media outlets that are sometimes in direct opposition to each other when it comes to their editorial line. And it would be essential to develop professional incentives during this period to reward the best reporting and other journalistic exercises. This project could become an encouraging model for a journalistic community that is sometimes discouraged by its fragile environment, and it could encourage better coverage of the electoral process and, thus, greater transparency in the elections.

C. Encouraging the Impartiality of the CENI

CENI has been endowed with a degree of credibility in the eyes of the political class, civil society and the international community because of the manner in which its members have been selected. Although the commission has come under pressure from various directions, it has so far carried out its tasks with professionalism. In November 2009, after a wide-ranging process of consultation with the main parties, provincial governors and the clergy, the commission designated the members of independent provincial election commissions (CEPIs). Overall, these nominations met with a favourable reception across the political class, including the CNDD-FDD.[148] Subsequently, the CEPIs selected the independent municipal election commissions (CECIs).

In general terms, fears of potential manipulation of the electoral commission structure, at central or local level, have faded. But the possibility of renewed tension over this issue cannot be completely ruled out. Already, some heads of CECIs have been the target of angry condemnation for taking a soft line with their own political movements.[149] The CENI will have to rapidly punish those members of the provincial and municipal commissions who have been at fault here, if it is to protect the overall transparency and fairness of the commissions' work and thus conserve its own credibility.

The efficiency and independence of the CENI is also at stake in material and financial terms. The costs of the election process have been estimated at a little more than $45 million. Yet three months before the first vote, $13 million still has to be raised. And of the $32 million already promised, the CENI has actually received only $14.4 million.[150] The operational effectiveness of the electoral commission could be undermined by its precarious financial situation, because an important part of this budget is earmarked for personnel costs. If resources fall painfully short, election arrangements will be affected. A funding shortage would also make it easier to bribe officials or exert influence over commission members whose living conditions had been put at risk because of uncertainty over their salary payments. Certain leaders of the CNDD-FDD could be tempted to press the authorities to use this as a form of pressure. The government itself has promised a $6 million contribution to the election process.[151] If these funds were blocked for a lengthy period this would point to an effort to exert pressure on the CENI or force a postponement of the elections.

The fate of funding for the polls depends to a large extent on the degree of interest that the international community has in Burundi. International partners certainly made an effort to support the peace process; that would now be consolidated by a credible and thus universally accepted election. It therefore makes sense to provide

[146] Evaluation report on Synergy between media outlets (Synergie des médias), Bujumbura, December 2005.
[147] Radio Rema FM, a radio station close to the governing party has several times used its broadcasts to attack other local radio stations, sparking protests from the latter. This dispute has even been brought before the National Communications Council (Conseil national de la communication).

[148] Crisis Group interviews, senior political party figures, Bujumbura, December 2009.
[149] In Bururi province a local manager of the CECI has been accused by several opposition parties of wanting to recruit census staff from among those who are personally close to him. Crisis Group interviews, senior political party officials, Bujumbura, January 2010.
[150] Crisis Group interviews, diplomats, Bujumbura, January 2010.
[151] Ibid.

all the resources needed for the CENI and the electoral process to ensure that this is smoothly completed. Of course, the political and security environment is the prime factor in shaping conditions for successful elections. But in a country as fragile as Burundi, the organisation of the electoral process should not be put in jeopardy because of financial and material problems.

D. DISSUADING VIOLENCE

The greatest danger to the successful conduct of the elections is the violence to which the main competing parties could resort. In the 2005 elections, some activists and local leaders of political groups were the target of assassinations. However, the acts of violence were relatively contained; although there were occasional confrontations between supporters of rival parties, these did not deteriorate into large-scale unrest. The political parties' commitment to abstain from violence was enshrined in a code of conduct specially drafted for the elections. The presence of the ONUB, including its military component, certainly played a deterrent role, particularly in dissuading the FNL, which was still active at the time and had threatened to disrupt the polls.

Following the recent departure of the last South African military contingents – initially deployed in 2003 at the very start of the transition – there are no longer any foreign forces in Burundi.[152] The international community, although aware of the threats of violence, still seems to be procrastinating over the precautions to take in order to guard against potential outbreaks of violence. BINUB and regional organisations envisage the dispatch of long-term observers, but this would amount to a minimal deployment, relative to the risks in play. Under the aegis of the partnership for peace in Burundi,[153] there are plans to submit the issue for consideration by the regional peace initiative, and to discuss the option of a preventive deployment to forestall any escalation in violence. Unfortunately, this initiative has so far not been followed through.[154]

However, the most effective means of preventing outbreaks of election violence remains the instigation of a continuous political dialogue with Burundi's political forces. The ongoing political dialogue structure initially launched by BINUB and institutionalised under a ministerial decree in November 2009 should become the framework of reference for resolving disputes that crop up day to day. The special envoy of the region, as political leader of the police mission, should be mandated to provide political mediation at the highest level if serious incidents arise. This role could be filled by a former head of state from the region who has a thorough knowledge of the situation in Burundi and enjoys the confidence of the parties. Such an appointment is all the more important because the new Special Representative of the UN Secretary-General will find it difficult to play an effective political role faced with CNDD-FDD hostility.

The appointment of such a regional special envoy, who would have the backing of the African Union, is all the more necessary because the partnership for peace in Burundi has now been dismantled. The international coordination set up to support the electoral process[155] cannot easily play an effective political role because the government, like the region, seems to be particularly recalcitrant when faced with international pressures that are perceived as Western interference.[156] A mediation process that is facilitated by the region would thus be the

[152] See "Burundi: the African Union special forces leave Burundi" ("Burundi: les forces spéciales de l'Union africaine quittent le Burundi"), Radio France Internationale (RFI), www.arib.info/index.php?option=com_frontpage&Itemid=1&limit=50&limitstart=100.

[153] The partnership was established in 2008 to support the negotiating process and the disarmament of FNL fighters. See Crisis Group Briefing, *Burundi: To Integrate the FNL Successfully*, op. cit.

[154] The heads of state and government of the East African Community have given a favourable response in principle to President Nkurunziza's request that they intervene militarily in Burundi if the election process collapses or there is an upsurge in violence. But it is difficult to see how this commitment could be translated into operational reality, given the wide differences in capacity and levels of preparedness in the different countries of the region (Rwanda and Kenya, for example). And this type of intervention is probably not suited to countering the current risks that threaten the election process. Crisis Group interview, senior Tanzanian politician, Dar es Salaam, November 2009.

[155] The last report of the United Nations Secretary-General states: "On 29 May, international partners established a twin mechanism to coordinate international assistance for the elections. The Consultative Strategic Committee, chaired by my Executive Representative, serves as a forum to define strategic guidelines for international assistance and promotes an exchange of views and information among national and international stakeholders to ensure the smooth conduct of the electoral process. The Technical Coordination Committee, chaired by the United Nations Development Programme (UNDP) Country Director, coordinates international technical, logistical and financial assistance through the Independent National Electoral Commission and oversees the management of the basket fund established by UNDP. Both committees have been meeting regularly since July". "Sixth Report of the Secretary-General on the United Nations Integrated Office in Burundi", S/2009/611, 30 November 2009.

[156] Besides the expulsion of the Special Representative of the United Nations, Uganda, which sits in the Security Council, opposed the use of any language that was too critical of the Burundian government in the Council's communiqué. Crisis Group interview, European diplomat, Nairobi, January 2010.

option offering the best chance of success when there are serious disputes or an escalation in violence.

Moreover, it would be sensible to couple this preventive measure with the dispatch of long-term election observation missions by the European Union and other international partners. These delegations could thus deploy onto the ground two months before the start of the first election and continue their mission through the various different rounds of voting. This election monitoring by international organisations could run in parallel with local observation initiatives and the collection of data on all the outbreaks of violence related to the process. For this purpose, the most effective local civil society organisations[157] should establish an observation unit to document all the acts of political violence and establish who is responsible, working in partnership with international human rights organisations.

It is certainly hard to imagine local judicial institutions following up cases linked to political violence. Civil society and the international community will thus have to ensure that the political players appreciate that recourse to the International Criminal Court will be one of the available options for bringing the authors of serious crimes to justice, should that prove necessary. The documentation of human rights violations will make the possible threat of such a course of action more credible and should thus help to dissuade some players who are tempted to resort to violence.

Finally, the international community should tell the parties that it plans to make its aid to the next elected government conditional on Burundi staging a credible election process. If it appears that the vote has been manipulated on a scale that raises questions about the results, it will be essential to implement sanctions such as the suspension of all budget aid and individual sanctions against those who are responsible for election fraud and violence.

[157] The ITEKA League, APRODH, FORSC and OAG in particular.

VI. CONCLUSION

Although substantial progress has been made in preparing for the elections, the hardening stance of the president's party raises serious doubts about its willingness to stage the various forthcoming elections in peaceful conditions. On the contrary, the range of threats made against the supporters of some opposition parties seems to confirm that there is a risk of violent confrontation on the ground.

The voter registration program has given rise to numerous recriminations among the opposition political parties because of repeated attempts to interfere with their transparency and fairness by various local officials, essentially from the president's party. These activities pollute an already deteriorating political atmosphere, even though they have been condemned and in part blocked, mainly thanks to the intervention of audit agents, mandated by political parties to supervise these operations, and to the vigilance of the media and sometimes members of the public themselves. The opposition parties are faced with a wide range of restrictions in the exercise of their civil liberties, whilst the party in power is already deploying its resources in a propaganda strategy that seeks to undermine and intimidate its political adversaries. To do this the CNDD-FDD deploys its youth movement, using threats and violence, to deny activists from other political parties access to the electoral terrain. It also exerts a range of pressures to bring in new recruits and to punish those who prove resistant to its propaganda message.

Such tactics are hardly rare in election contests – especially those that see governments with authoritarian tendencies facing oppositions ready to indulge in provocation and they tempted to resort to violence. However, such election contests do not always slide into outright violence.

The probable existence of a network for rearming some of the demobilised CNDD-FDD supporters, and the government's hardening stance towards the international community, bear witness to the ruling party's determination to win the election at all costs.

To guard against the risks of the process being badly derailed, national and international players must refuse to let themselves be intimidated by the threats. On the contrary, they should push for the implementation of preventative measures, to avoid a slide into violence. Besides the early deployment of observation missions and international forces, these measures should include the close surveillance of the key actors in the process and the youth movements and organisations linked to the main political parties. Should serious violence break out, it is vital to establish who is responsible so that they can be subject to prosecution. If Burundi's justice system proves

unable to do this, the obligatory alternative should be to bring the cases before international jurisdictions. Faced with rising dangers, this must be the price of consolidating peace and safeguarding democracy in Burundi.

Nairobi/Brussels, 12 February 2010

APPENDIX A

MAP OF BURUNDI

Map No. 3753 Rev. 6 UNITED NATIONS
September 2004

Department of Peacekeeping Operations
Cartographic Section

APPENDIX B

GLOSSARY

AFP	Agence France-Presse
BINUB	United Nations Integrated Office in Burundi
CDCPA	Combating the Proliferation of Light Weapons and Small Arms
CECI	Independent Communal Election Commission
CENPC	Conflict Alert and Prevention Centre
CENI	Independent National Electoral Commission
CEPI	Independent Provincial Election Commission
CNDD	National Council for the defence of democracy
CNDD-FDD	National Council for the defence of democracy-Forces for the defence of Democracy
CNDP	National Congress for the Defense of the People
CNI	National identity cards
COSOME	Coalition de la société civile pour le monitoring du processus électoral
FDLR	Forces démocratiques de libération du Rwanda
FDN	Force pour la défense nationale
FNL	Forces nationales pour la libération
FORSC	Forum for the Reinforcement of Civil Society
FRODEBU	Front for Democracy in Burundi
ICTJ	International Center for Transitionnel Justice
INS	Institut Nord-Sud
JPH	Jeunesse patriotique hutu
MRND	Mouvement révolutionnaire national pour le développement
MSD	Movement for Solidarity and Democracy
MRC	Mouvement pour la réhabilitation du citoyen
OAG	Observatoire de l'action gouvernementale
OLUCOME	Organisation for Combating Corruption and Financial Misappropriations
ONUB	United Nations Operation in Burundi
Palipehutu-FNL	Parti pour la libération du peuple Hutu et forces nationales de libération
PACAM	Plan commun d'appui aux médias
PARENA	Parti pour le redressement national
PMPA	Partis et mouvements politiques armés
PNB	Police nationale du Burundi
PNUD	Programme des Nations unies pour le développement
RFI	Radio France internationale
RPA	African Public Radio

UBJ	Union burundaise des journalistes
UPD	Union pour la paix et le développement
USAID	United States Agency for International Development
RDC	République démocratique du Congo
SNR	Service national de renseignement
UPD	Union for Peace and Development
UPRONA	Union for National Progress

APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

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