



Situation Report

Date issued: 19 November 2009
Author: Jamila El Abdellaoui¹
Distribution: General
Contact: jelabdellaoui@issafrica.org

Another crossroad for Burundi: From the FNL to peaceful elections in 2010

Introduction

For Burundi the year 2009 commenced on a fairly positive note as January witnessed various breakthroughs in the protracted peace process between the government of Burundi (GoB) and the last remaining rebel movement, 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). As a result of the progress made, the first half of 2009 was used to implement the various issues agreed upon and to close off the process, which commenced formally in 2006. The peace process in Burundi therefore appears to be complete. However, the electoral marathon scheduled for mid-2010 will seriously test the country's hard-won stability.

Following a brief background to place the current state of play in Burundi into context, an overview will be provided of the steps taken in the first half of 2009 to finalise the peace process with the Palipehutu-FNL. This will be followed by an analysis of the current situation in the country, which has for a while been marked by increased tension as next year's elections approach. The report concludes with an overview of the current general political and social climate to give an idea of the context in which the elections are likely to take place.

Background²

Immediately after the *Conseil National pour la Défense de la Démocratie–Forces pour la Défense de la Démocratie* (CNDD–FDD – National Council for the Defence of Democracy–Forces for the Defence of Democracy) was voted into power in mid-2005, it prioritised the resolution of the Palipehutu-FNL issue to ensure lasting stability and development in Burundi. The Palipehutu-FNL, headed by Agathon Rwaswa, was the only rebel movement not to have followed in the footsteps of various other rebel movements in signing a ceasefire agreement with the transitional government that was put in place in November 2001 in accordance with the Arusha Peace and Reconciliation Agreement for Burundi (the Arusha Agreement) of August 2000.

Initially the newly elected government considered a military solution to the problem. Soon, however, under pressure from the international community,³ the door was opened to negotiations with the Palipehutu-FNL, which was formed in the early 1980s.⁴ Talks commenced at the beginning of 2006 in Dar-Es-Salaam, Tanzania, under the auspices of the Regional Initiative for the Burundi Peace Process. This effort was headed by Uganda, whilst Tanzania, in which country the movement's leadership exiled, served as deputy chair. South Africa led the facilitation process between the two parties.

* The opinions expressed in this Situation Report do not necessarily reflect those of the Institute, its Trustees, members of the Council, or donors. Institute research staff and outside contributors write and comment in their personal capacity and their views do not represent a formal position by the ISS.

In June 2006, the GoB and the Palipehutu–FNL signed the Dar-Es-Salaam Statement of Political Principles.⁵ Soon after, on 7 September, a Comprehensive Ceasefire Agreement (CCA) was signed. This rekindled the hope that the last remaining rebel movement would soon join the GoB, thereby bringing the peace process in Burundi formally to an end. However, the leadership of the Palipehutu–FNL declined to return to Burundi, citing concerns for its safety as the main reason, and thereby delayed the commencement of the work of the Joint Verification and Monitoring Mechanism (JVMM) set up to implement the CCA.⁶

From this moment onwards until the end of 2008, the peace process between the two parties can be described as extremely time consuming and complex. Mistrust, especially on the part of the Palipehutu–FNL, prevented various issues from being implemented since the movement's leadership delayed the arrival of some of its representatives in the Burundi capital, Bujumbura, and then withdrew these members later on. Furthermore, participation in the process and disagreement on the way forward eventually led to a split in the Palipehutu–FNL. Towards the end of October 2007, a significant number of the movement's combatants presented themselves as a break-away faction and sought ways to continue the process put in motion by the leadership. The dissidents were not acknowledged by GoB and violent clashes⁷ between the faction, which had gathered at an old assembly area, and the Palipehutu–FNL severely complicated the process.

The fact that the ruling party itself was suffering from serious divisions within the party, which escalated in February 2007 to the ousting of the party's president, Hussein Radjabu, complicated matters further. The continuing stalemate triggered various proposals by different actors for a way forward and motivated the establishment of the Political Directorate (PD)⁸ in November 2007 to ensure the continued coordination of efforts. Most importantly, however, the PD was to discuss an approach to breaking the stalemate.

A further setback was encountered when the Palipehutu–FNL launched an attack on the capital in mid-April 2008. While the offensive was beaten off by the Burundian army, the incident led to the Tanzanian government ordering the movement to leave its territory. Soon after, the Palipehutu–FNL agreed to return to Burundi and various senior members arrived in Bujumbura on 16 May. On 26 May a joint declaration was signed by GoB and Palipehutu–FNL agreeing to an immediate cessation of hostilities, and on 30 May Agathon Rwasa himself returned. This allowed the JVMM to resume its meetings and the PD to meet for the first time with Palipehutu–FNL representatives present. The movement used this meeting to give an overview of its remaining concerns.⁹

The severe mistrust between the two parties at this point led the facilitator organising a meeting between President Nkurunziza and Agathon Rwasa in August 2008. To build confidence, it was agreed that the President and Rwasa would meet twice a week to discuss challenges in the implementation of various issues previously agreed upon. They also signed the Ngozi Declaration, which outlined concrete steps to move the implementation of agreements forward. However, towards the end of October it became clear that little progress was being made and that the process had deadlocked once again.¹⁰ In separate meetings with each leader on 6 November, the facilitator communicated a message from the Regional Initiative for the Burundi Peace Process demanding concrete action. The deadline for the completion of the disarmament, demobilisation and reintegration (DDR) process was set for 31 December 2008.

Facing a Summit of Heads of State and Government of the Great Lakes Region on 4 December, the Palipehutu–FNL recommitted itself to the process in its Pretoria Declaration of 1 December, which followed a series of discussions with the South African facilitation team in Pretoria. The process was given a further boost by the Summit, which issued a declaration that the Palipehutu–FNL had recognised that its name was an impediment to its registration as a political party and that the GoB had committed to facilitating the political integration of the Palipehutu–FNL by offering it 33 positions in the GoB. The deadline for the finalisation of the DDR process remained 31 December 2008.

Increased pressure on the two parties towards the end of 2008 arguably paved the way for the conclusion of the laborious peace process. The decision by the Palipehutu–FNL to change its name contributed to breaking the stalemate in particular and demonstrated the irreversibility of the process. However, implementation of the various issues agreed upon would still prove challenging as this involved highly contentious issues, such as the integration of Palipehutu–FNL members into government structures and the DDR of its combatants.

First, however, the Palipehutu–FNL indicated that its leadership could not change the movement’s name without consulting its members throughout the country. Further delays resulted from a negotiation process between the movement and the GoB on the modalities of the consultation process. These negotiations highlighted the fact that whilst efforts had concentrated on bringing the last remaining rebel movement into the peace process, the country as such was consumed with preparations for the upcoming elections. Having the leadership of a future political party travel through the country to hold meetings with supporters was not something particularly welcomed by the ruling party at this point in time. A compromise was finally reached and consultation meetings in several provinces took place simultaneously on 4 January 2009.¹¹ On 9 January, the Palipehutu–FNL announced that its name would from now on be FNL.¹² For its part, the GoB released 118 prisoners associated with the FNL.¹³

Since the deadline for the conclusion of the DDR process had not been met, a new timetable had to be drawn up. To gather the support of relevant stakeholders and decide on the final steps in the process, the facilitator organised a meeting of special envoys for the Great Lakes region on 16 and 17 January in Bujumbura.¹⁴ The meeting resulted in the Bujumbura Declaration, which outlined various action points, most importantly the steps to be taken with regard to the completion of the DDR process, the release of political and war prisoners, and the registration of the FNL as a political party. Concerning the integration of selected FNL members into government, it was noted that discussions to conclude this matter would follow shortly.¹⁵

Despite the progress made, delays persisted. The reasons varied from a delay in staffing the new GoB DDR structure to the FNL’s refusal to consider the 33 government posts offered. The turning point came at a meeting of the PD in Pretoria on 8 April 2009, which resolved all outstanding issues, including the most contentious.¹⁶ The following sections deal with the components of the process and delve into the challenges encountered with each.

Disarmament, demobilisation and reintegration

The Bujumbura Declaration stated that the DDR process would commence no later than 30 January 2009 and that the GoB would commit to staffing a new DDR structure by the same date. It is interesting to note that the DDR of FNL combatants was to take place in a rather unusual situation in that the country no longer hosted a peacekeeping mission, which ordinarily assists with this task. The UN Peacekeeping Mission in Burundi (ONUB) was withdrawn at the end of 2006 and replaced by the UN Integrated Office in Burundi (BINUB), which has a unit on Security Sector Reform that focuses on DDR as well.¹⁷

The programme that had facilitated the country’s DDR process, which involved the general downsizing of the security structures and the reintegration of combatants of former rebel movements, officially came to an end on 31 December 2008. This National Demobilisation, Reinsertion and Reintegration Programme (PNDRR) was part of the World Bank’s Multi-Country Demobilisation and Reintegration Programme (MDRP) and was administered by the Executive Secretariat of the National Commission for Demobilisation, Reinsertion and Reintegration (ES).¹⁸

Whilst the World Bank had committed to supporting a new DDR programme specifically targeted at FNL combatants, it was said to have made it clear that owing to allegations of the mismanagement of funds by the ES during the previous

programme, it would only support a completely new GoB structure in charge of DDR, which was finally decided to be the Technical Coordination Team (TCT) of the National Commission for Demobilisation, Reintegration and Reinsertion. This explains the pressure on the GoB to recruit officials to staff the new structure, none of whom were to have worked with the ES.¹⁹

Other challenges with regard to the DDR process at this time were said to be a lack of resources to prepare assembly areas and demobilisation centres, and reluctance on the part of the FNL to send selected combatants to assembly areas. Concomitant to the last difficulty was the confusion that existed around the number and names of FNL combatants to be taken through the DDR process; various lists had been submitted by the FNL, but there was a delay in the submission of a final certified list.²⁰

Following consultations with both parties in the middle of March, the facilitator decided to set up a Special Task Team (STT) to move the process forward. Lt Gen Mgwebi, previously serving as the Force Commander of ONUB, represented South Africa, whilst Maj. Gen. Ndayishimiye represented the GoB and Agathon Rwasa and Jonas Nshimirimana the FNL. The STT was to work closely with the newly established TCT of the GoB, BINUB and other relevant stakeholders.²¹ The April meeting of the PD in Pretoria dealt with the final outstanding issues. Regarding DDR, it was decided that 5 000 combatants were to be demobilised and 11 000 so-called militant combatants (also referred to as 'adults associated'), including 1 000 females, would receive allowances.²²

Because of the consensual approach taken by the facilitating team, the DDR process unfolded speedily from this point onwards. Various stakeholders, including amongst others the World Bank, BINUB and the facilitating team, collaborated on the implementation of the process, which was split into the following parts:

1. Assembly, disarmament and verification under the leadership of the JVMM, with support by the facilitation team, the AU, GoB and BINUB.
2. Demobilisation and reintegration led by the TCT, with support from the World Bank.

Lastly, a strategy for the long-term socio-economic integration of former combatants, including those previously demobilised, at community level was to be developed by GoB, with support from the UN Development Programme (UNDP) and other relevant stakeholders.²³

Initial concerns regarding the group of 11 000 'adults associated'²⁴ were resolved at the beginning of July when the PD issued a communiqué that further explained the process put in place to deal with this group. The 'adults associated' were noted to be 'those individuals on the FNL Certified Combatant List who could not be integrated into security and defence forces, or be demobilised under the national Transitional Demobilisation and Reintegration Project'. The process for this group consisted of the verification and registration of beneficiaries in a national database, the provision of identification cards and returns kits, the payment of 50 000 Burundian Francs in return assistance, and transport to their communities of origin.²⁵

On 10 August 2009, the GoB announced the official end of the DDR programme, citing the number of 16 948 as the total number of 'demobilised FNL'.²⁶ Approximately 1 500 combatants of the dissident group were demobilised as well.²⁷ The status of an unknown number of Palipehutu–FNL combatants based in the Democratic Republic of Congo (DRC) remains unclear.²⁸

Integration into state security structures

The number of FNL combatants to be integrated into Burundi's defence and security services was the final and arguably most difficult issue to be resolved. This can be explained by the complexities surrounding the Burundian national army. The ethnic composition of the Burundian army has always been a major point of contention for the FNL. For the sake of brevity, this report will not go onto the historical reasons, except to note the role played by the mostly Tutsi-

led national army in the waves of violence that gripped the country.²⁹ It is for these reasons that the Arusha Agreement and Burundi's Constitution state that the country's armed forces may not be comprised of more than 50 per cent of one ethnic group.³⁰

Following the integration of combatants of various rebel movements, especially from the CNDD-FDD, the national army is said to have been closer to achieving this requirement.³¹ Under pressure from donors to achieve the number of soldiers deemed sufficient to make up an army for a country like Burundi, the army had to undergo a general 'rightsizing' process, resulting in many soldiers being taken through a DDR process as well.³² The integration of additional combatants into the national army at this point of time would not only have increased the army's size, but would also have upset the ethnic balance, given the fact that the Palipehutu-FNL consisted mostly of Hutu.³³

At the April PD meeting it was decided that 3 500 Palipehutu-FNL combatants would be integrated into the national security services.³⁴ The reintegration of Palipehutu-FNL combatants, which included some training elements, commenced soon thereafter. Approximately 2 100 elements joined the national army, whilst about 1 400 joined the police force.³⁵ As is often the case in such a process, many of the integrated combatants expressed their discontent with the ranks given to them as soldiers in the national army.³⁶ However, the protests died down soon,³⁷ probably upon realisation of the fate of fellow combatants who were now unemployed.

Establishment as a political party and integration into government structures

In accordance with the Bujumbura Declaration, the FNL filed a request for registration as a political party on 30 January. However, the GoB subsequently indicated that it could not agree to the movement being registered as a political party since the DDR process had not yet been finalised.³⁸ For its part, the FNL refused to provide the names of members to fill the 33 positions in various government departments, citing the GoB's lack of consultation in this regard as the principal reason.³⁹

At the April meeting of the PD it was decided that the completion of the DDR process would not be a condition for the registration of the FNL as a political party. The facilitation team committed to notifying the GoB once the FNL had commenced the DDR process.⁴⁰ Accordingly, following the official commencement of the DDR process on 18 April, during which Agathon Rwaswa was the first to hand in both a uniform and weapon, the FNL was registered as the 42nd political party in Burundi,⁴¹ even though one other condition for its registration as a political party had not yet been met.⁴² At the beginning of June, various senior members of the FNL took up positions in the GoB. Rwaswa was appointed head of the National Social Security Institute (INSS)⁴³ and other FNL positions ranged from military advisor in the Presidency to a senior management function in Burundi's National Tea Company.⁴⁴ Pasteur Habimana, the party's spokesman, was offered a position in the country's mission to India,⁴⁵ but at the time of writing he had not yet taken up this post. Instead, he joined the National Intelligence Service where he reports as an operative on a daily basis.⁴⁶

It is important to note that Burundi, like other African countries, is aware of the fact that transformation from a rebel movement to political party involves more than being registered, the taking up of positions in government and the disarming and/or demobilising of members. Particularly the FNL, which has been responsible for the longest-running rebellion that Burundi has known, is likely to face considerable challenges in making the shift from military thinking to thinking as a political force. Its long-standing demand for a representative army has become irrelevant to a large extent and it will have to come up with other issues to make up a solid campaigning programme.⁴⁷ This, as well as the question of intra-party democracy, is a challenge that other parties in Burundi have also struggled with.

Despite the challenges, one could have expected that the upcoming election would lead to a minimum level of unity in the party, thereby ensuring that the FNL survives the many changes it has been subjected to in a short space of time, more so as it has the potential, according to many analysts, of winning a considerable number of votes. However, towards September it became clear that the party was increasingly suffering from divisions amongst its leaders.⁴⁸ These divisions became more apparent when various members that were recently expelled from the party organised a special congress in Bujumbura in the beginning of October. It was reported that the Minister of Interior had provided a special authorisation for the congress, during which the approximately 400 participants voted in favour of ousting Agathon Rwaso as head of the FNL.⁴⁹ In the context of restrictions on the activities of political parties, this event increased suspicions that the ruling party was attempting to divide its arguably biggest competition.

Following a period of speculations on whether the Minister of Interior would indeed recognise the new FNL leadership, in mid-October he publicly stated that Agathon Rwaso is still regarded as the head of the FNL with which it conducted the protracted negotiations.⁵⁰ At the time of writing, speculations regarding the ruling party's support for the Kenese faction nevertheless proceed.⁵¹ For his part, Agathon Rwaso has raised concern with the motives of his opponents who want 'to throw Burundi back to violence and insecurity' and cautioned against 'fresh unrest.'⁵² Needless to say, a divided and recently disarmed FNL is likely to exacerbate tensions during Burundi's pre-electoral phase.

Way forward

With the objective of monitoring the consolidation of the peace process between GoB and the FNL, the PD created the Partnership for Peace in Burundi (PPB) during its April 2009 meeting. The PPB is composed of representatives of the PD, BINUB and the International Conference for the Great Lakes Region (IC/GLR). Besides ensuring that the protracted peace process is brought to a successful closure, the PPB will aim to promote sustainable peace in the country and 'contribute to an enabling environment for the period leading up the elections'.⁵³ Indeed, with the elections to be held relatively soon, it is important to turn to the various developments Burundi has been witnessing in the run-up to the country's second post-transitional elections.

Much attention has been paid in the past three years to the issue of the FNL, especially by the international community. This can be explained by the obvious need to have security in all parts of Burundi in order for the country to move forward. However, securing a cease-fire agreement with the Palipehutu-FNL and the subsequent implementation of agreements was only one of a number of peace-building objectives noted in the 2007 Strategic Framework for Peacebuilding in Burundi.⁵⁴ Other priorities were as following:

1. The promotion of good governance, including preparation for future elections and security sector reform.
2. The completion of security sector reform and civilian disarmament.
3. Equitable access to justice, the promotion of human rights, the fight against impunity and reaching an agreement on mechanisms for transitional justice.
4. Finding solutions to the land issue and the socio-economic recovery of populations affected by the war.
5. Mainstreaming gender in the implementation of the programmes to address the selected priorities.

Space does not permit a discussion on all these priorities and, in fact, in-depth research has been conducted on most of them.⁵⁵ This report will therefore concentrate on the promotion of good governance and the organisation of the upcoming elections. It can be argued that the various elections scheduled to take place between May and August 2010 have the potential of either consolidating the relative peace and institutional stability currently enjoyed by the country, or lead to setbacks.

Early developments

By the time political actors in Burundi started giving serious consideration to the upcoming elections, Burundi's political landscape was already suffering from tensions because of a lack of dialogue between and within certain political parties. Divisions within the ruling party had led to a prolonged paralysis in the National Assembly in particular, a situation only resolved in mid-2008.⁵⁶ On 18 June 2008, President Nkurunziza issued a decree establishing the Permanent National Independent Electoral Commission (CENI), which was generally a welcome development. However, various political parties expressed their concern over the fact that there had been no consultation on the establishment of the electoral body and requested to be involved in the selection of CENI's members. Simultaneously, concerns were raised about the so-called 'pre-electoral campaigning' activities of the ruling party.⁵⁷

Despite continued dissatisfaction on the part of several political parties and numerous efforts by the international community to promote dialogue between the political actors, President Nkurunziza proceeded with preparations for the establishment of the CENI. The June decree was replaced by another decree in December that reportedly would have increased the Executive's control over the electoral body. Unsurprisingly, the five selected members of the CENI were not endorsed during an extraordinary parliamentary session. Political parties, as well as civil society, repeated their demands for consultation on the selection of CENI members. Since the existing legislation on the electoral process required to be updated, opposition parties also called for its revision, especially the articles that regulate the voting modalities. Mounting pressure on the ruling party finally led to the President initiating discussions with opposition parties and a new decree was eventually issued on 4 March 2009. Seven days later Parliament approved the five members of the CENI.⁵⁸

At this point the GoB had not yet formally requested assistance with the organisation of the elections, which were then less than a year away, and is said to have declined offers for assistance by international organisations. Instead, various bilateral agreements were sought by the ruling party. The institutional capacity of GoB to organise the so-called 'marathon' of polls without outside assistance was questioned. Its refusal to discuss collaboration in the preparation of the elections was considered by some as proof of the ruling party's determination to remain in full control of the process in the hope of increasing its chances of a second victory.⁵⁹ This also arguably illustrated the awareness on the part of the ruling party that this time around it may not be guaranteed a landslide victory at the polls.

In a letter dated 11 May, the GoB finally requested BINUB for assistance with the preparation for the elections. The letter explained that the GoB was looking for BINUB to assist the CENI before, during and after the elections. Upon receiving the request, BINUB launched an assessment mission to examine the Burundian authorities' capacity and possible shortcomings in arranging the polls. The mission also sought to identify possible funders. Subsequently, BINUB and other relevant stakeholders decided to set up a mechanism with three components, namely a strategic committee composed of the heads or their representatives of foreign missions in Burundi, a technical committee to assist the CENI and a trust fund to be managed by UNDP.⁶⁰

Negotiating the electoral code

Whilst the various mechanisms to organise the elections had finally been put in place, discussions on the electoral code had still not been concluded. Pressure on political parties increased since only limited preparations could be undertaken in the absence of a final electoral code. Various international actors assisted with the facilitation of dialogue on the issue and in one instance even political parties outside of government participated in a facilitated discussion on the revisions.⁶¹

A major point of contention during negotiations on the electoral code was the polling sequence. Most political parties preferred to undertake the polls in the same order as in 2005, namely *commune*, National Assembly, Senate, presidential

and, finally, *colline*.⁶² However, the ruling party, especially those strongly supporting President Nkurunziza, argued for the presidential election to be the first poll.⁶³ Unlike in the 2005 election, this time round the president is to be elected by direct universal suffrage⁶⁴ and the objection by opposition parties⁶⁵ rests on the realisation that President Nkurunziza probably continues to enjoy significant support, especially in the rural areas. It can be argued that once President Nkurunziza is re-elected as president, voters may not see the value in voting for a party other than the CNDD-FDD in subsequent polls.⁶⁶ In addition, maintaining the same order in the polls as during the 2005 elections will provide opposition parties an opportunity to test their strength before deciding on the necessity to form coalitions.⁶⁷ Other objections to changing the sequencing of the polls were purely technical in nature. The mandate of local administrators elected in May 2005 was exactly five years and if elections at that level were to be held last it meant that the presidential election would have to take place before May 2009 in order for the mandate of the local administrators not to expire.⁶⁸

Two other issues dominated the discussions on the revised electoral code. Firstly, the ruling party wanted to increase the amount to be deposited by candidates for the presidential election.⁶⁹ The initial electoral code required a deposit of three million Burundi Francs (approx. US\$ 2 450).⁷⁰ To ensure that only serious candidates join the race, the ruling party argued for a deposit of 15 million Burundi Francs (approximately \$12 000). This is a significant amount and would certainly limit the number of political parties able to put forward a presidential candidate.⁷¹

The second point of contention was the modalities of voting. In the previous elections voters received a single envelope and a number of ballot-papers equivalent to the number of candidates, or lists of candidates. The ballot-paper bearing the name of the selected candidate, or the list of candidates, was placed into the envelope and then into the ballot box, while the unused ballot-papers were discarded in a basket in the voting booth.⁷² Opposition parties argued that rather than having several ballot-papers, voters should receive a single ballot-paper on which they could tick their candidate. This would limit opportunities for voter intimidation and would be more cost-effective.⁷³

When negotiations on the draft revised electoral code could not be concluded by mid-August 2009, concerns were raised about the limited time available to prepare for the polls. With support of the international community, an agreement was reached that the draft electoral code would be sent to Parliament for adoption.⁷⁴ On 29 August various foreign missions in Burundi issued a communiqué urging the parties concerned to reach consensus during the session of the National Assembly on 31 August.⁷⁵ However, the National Assembly failed to agree and adoption of the draft electoral code had to be postponed. The Speaker of the National Assembly indicated that he would call an extraordinary session to adopt the code, suggesting that the postponement would be an opportunity for further consultations.⁷⁶

On 3 September, the CENI announced the budget for the elections. The head of the CENI emphasised that while pledges had been made to contribute to the electoral budget, concrete preparations for the polls depended on the adoption of the electoral code.⁷⁷ Subsequently, the National Assembly called for an extraordinary session to take place from 7 to 19 September.⁷⁸ Meanwhile, local media reported that the Ministry of Interior had blocked funds destined for the CENI, which was reportedly the result of dissatisfaction on the part of the ruling party about the recent recruitment of employees by the CENI, the majority of whom were said to be representatives of the opposition.⁷⁹

As tensions increased between the political parties, so did pressure on the ruling party by the international community. It was made very clear that funds for the elections would only be released if the elections were found to be free and fair.⁸⁰ The draft revised electoral code was finally adopted in the National Assembly on 11 September, with 98 votes in favour, one vote against and eight abstentions.⁸¹

The new electoral code stipulates that elections will commence with the communal poll, followed by presidential and legislative polls. Like in 2005, elections at the *colline* level will conclude the series of polls.⁸² The deposit by presidential candidates was indeed set at 15 million Burundi Francs.⁸³ The modalities for voting were also changed slightly: Instead of having one envelope, voters are to receive two envelopes, one white and one black. The ballot-paper of the selected candidate, or list of candidates, is to be inserted in the white envelope, while the remaining ballot-papers are to be put into the black envelope. Instead of depositing the black envelope into a basket in the voting booth, the voter is now expected to leave the booth with both envelopes and deposit each in a separate box in front of the polling officials.⁸⁴

Going forward

Given the fact that preparations for the polls were put on hold pending the negotiations on the draft electoral code, the agreement reached in the National Assembly was greatly welcomed. On 18 September, UNDP signed an agreement stipulating that it would manage the funds for the 2010 elections.⁸⁵ Nevertheless, the outcome of the negotiations on the revised electoral code can be perceived as being in favour of the ruling party. Tension is therefore likely to continue to characterise the dealings between the ruling party and the opposition, especially since civil society and various political parties continue to report that they are being restricted in their activities.⁸⁶ This situation is exacerbated by the fact that several key political factions, including the ruling party, continue to suffer from serious internal rifts. As is well-known, weak political parties do not augur well for any democratisation process.

The upcoming months in the run-up to the elections are likely to witness intense discussions among various political parties on the possibilities of forming coalitions. Although most parties obviously prefer to aim for victory at the polls independently, the reality of their chances may lead them to link up with 'likeminded' political factions, something which would likely create apprehension in the ruling party. Especially an alliance between the various so-called predominantly Hutu parties, namely Front pour la Démocratie au Burundi (Front for Democracy in Burundi – Sahwanya FRODEBU), Conseil National pour la Défense de la Démocratie – Nyangoma (National Council for the Defence of Democracy – CNDD-Nyangoma), Union pour la Paix et le Développement (Union for Peace and Development – UPD-Zigamibanga) and finally the FNL, is said to be dreaded by the ruling party.⁸⁷ Tension among so-called predominantly Tutsi political parties may occur as they compete to increase their chances to fill the position of one of the vice-presidencies.⁸⁸

An overview of the main political players in Burundi⁸⁹

Political party	Representative	Inception date	Main features	Other notes
CNDD-FDD (Conseil National pour la Défense de la Démocratie – Forces pour la Défense de la Démocratie. National Council for the Defence of Democracy – Forces for the Defence of Democracy)	Jérémie Ngendakumana	January 2005	A former rebel movement. Joined the peace process in 2003 after signing agreements with the then transitional government. Currently the ruling party with 1 781 communal councillors, 64 seats in the National Assembly and 32 seats in the Senate.	Jérémie Ngendakumana replaced Hussein Radjabu after the latter's ousting as the party's president in February 2007 and was re-elected at the party's last congress. Not long after his ousting, Radjabu was arrested and found guilty of plotting a rebellion and insulting the president. He is currently serving a 13-year sentence after his appeal in 2008 was unsuccessful.

Political party	Representative	Inception date	Main features	Other notes
CNDD-Nyangoma (Conseil National pour la Défense de la Démocratie – Nyangoma. National Council for the Defence of Democracy – Nyangoma)	Léonard Nyangoma	March 1994	A former rebel movement. Signatory to the Arusha Agreement. The party has 135 communal councillors, four seats in the National Assembly and three seats in the Senate.	
ADR (Alliance pour la Démocratie et le Renouveau – Alliance for Democracy and Revival)	Alice Nzomukunda	August 2008		This new party was created by Alice Nzomukunda, who was a senior member of the CNDD-FDD. She served as Burundi's first post-transitional Second Vice-President until her resignation in September 2006.
Shawanya-FRODEBU (Front pour la Démocratie au Burundi – Front for Democracy in Burundi)	Léonce Ngendakumana	1986	Signatory to the Arusha Agreement and part of the cabinet of ministers. The party has 822 communal councillors, 30 seats in the National Assembly and five seats in the Senate.	Domitien Ndayizeye is FRODEBU's candidate for the 2010 presidential elections. He was President of Burundi for 18 months after taking over from President Pierre Buyoya in April 2003, as stipulated in the Arusha Agreement. In August 2006 he was arrested on charges of involvement in a coup, but was acquitted in January 2007.
FRODEBU-Nyakuri (Front pour la Démocratie au Burundi – Nyankuri. Front for Democracy in Burundi – Nyankuri)	Jean Minani	July 2008	This party split from FRODEBU.	Jean Minani previously served as the representative of FRODEBU and as President of the National Assembly.
UPRONA (Union pour le Progrès National – Union for National Progress)	Bonaventure Niyoyankana	1958	Signatory to the Arusha Agreement and part of the cabinet of ministers. The party has 260 communal councillors, 15 seats in the National Assembly and two seats in the Senate.	An MP from Gitega, Niyoyankana was elected as UPRONA's new president in September. This was the result of a long stand-off between the party's older and younger members, the latter calling for a rejuvenation of the party.
MRC – Rurenzangemero (Mouvement pour la Réhabilitation du Citoyen – Movement for the Rehabilitation of Citizens)	Colonel Epitace Bayaganakandi	July 2001	The party has 88 communal councillors, two seats in the National Assembly and two seats in the Senate.	
PARENA (Parti pour le Redressement National – Party for National Recovery)	Jean-Baptiste Bagaza	May 1994	The party has 75 communal councillors.	Jean-Baptiste Bagaza served as Burundi's second military President from 1976 to 1987.
FNL (Forces Nationales de Libération – National Liberation Forces)	Agathon Rwasa	21 April 2009	A former rebel movement.	As discussed, this newly established political party has experienced serious divisions amongst its senior members.
MSD (Mouvement pour la Solidarité et Développement – Movement for Solidarity and Development)	Alexis Sinduhije	8 June 2009		A new party formed by former radio journalist Alexis Sinduhije. He was arrested in November 2008 on charges of insulting the president, but was found not guilty in March 2009.

Political party	Representative	Inception date	Main features	Other notes
UPD-Zigamibanga (Union pour la Paix et le Développement –Union for Peace and Development)	Zedi Feruzi	2003		This party is said to be closely aligned to former CNDD-FDD President Hussein Radjabu.

Sources: www.eisa.org.za, party websites, UN Secretary-General Fourth report on BINUB, and personal and telephone interviews with independent analysts in Bujumbura in September 2009.

Limited freedom of assembly

Burundi's pre-electoral climate has been dominated by reports of the intimidation of civil society actors and political opponents. As far back as July 2008 reports surfaced on the intimidation and arrests of civil society actors, resulting in a group of 200 civil society organisations issuing a joint statement in September of that year to raise concerns about the intimidation of some of its members. The Ministry of Interior, headed by a CNDD-FDD member, issued an order at the beginning of October 2008 stipulating the modalities for meetings and demonstrations by political parties and other associations. Concerns over the consequences of this order on freedom of assembly led the CNDD-FDD to request the minister concerned to confer with political parties. Even so, various political party representatives were arrested in subsequent weeks; the reasons cited were illegal political activities and defamation of the head of state.⁹⁰

In November 2008 the order was withdrawn, but restrictions on and the disruption of the activities of political parties and civil society organisations persisted.⁹¹ Human Right Watch reported the arrest of more than a hundred individuals associated with opposition parties throughout the country between June 2008 and April 2009.⁹² On 30 July 2009, an EU document on its policy towards Burundi was leaked to the press, which noted the temptation on the part of the ruling party to organise the elections in a way favourable to it. Three out of the four anticipated scenarios in this document would see the elections take place under unfair or even 'chaotic' conditions.⁹³ As recent as August 2009 it was reported that the Ministry of Interior announced that because some civil society organisations had a 'double objective' as far as their activities were concerned, they would need to request a 'mission order' from the Ministry for overseas travel, and inform the ministry when organising activities outside of the capital.⁹⁴

Militarisation of youth groups and arming of supporters

In light of the upcoming elections, it is important to note that the DDR Programme, the PNDRR that ended on 31 December 2008, and probably the DDR Programme that dealt with Palipehutu-FNL combatants, faced serious challenges in terms of the socio-economic reintegration of former combatants. Given the limited economic opportunities available in Burundi, a large number of demobilised combatants have not managed to reintegrate successfully into society, especially those returning to urban areas.⁹⁵ This has likely resulted in a large number of disgruntled former combatants who are arguably susceptible to manipulation by various political factions, and which has motivated the drafting of the aforementioned strategy on the long-term socio-economic integration of former combatants to ensure that their integration is sustainable. In light of this, it is noteworthy that FROLINA is said to still claim responsibility for about 4 800 combatants that were never demobilised or integrated.⁹⁶ In addition, many former combatants are reported to have joined armed movements in neighbouring Democratic Republic of Congo (DRC).⁹⁷

The greatest concern in Burundi at the moment specifically concerns the so-called militarisation of various political parties' youth leagues. For instance, Human Rights Watch reported in May 2009 that former CNDD-FDD fighters had teamed up with the ruling party's youth league to harass and intimidate political opponents.⁹⁸ This youth group, called *Imbonerakure*, joins a list of other political parties' youth groups that are allegedly being used to intimidate not only political opponents but also the electorate. Rumours regarding activities of youth groups are rife.

Some would argue that these groups only undertake sporting activities that may simply scare the population whilst others claim that most of these groups actually received military training, albeit basic.⁹⁹ Besides the alleged militarisation of youth groups, concern has been raised about the arming of supporters of various political parties, mostly consisting of recently demobilised soldiers, to undertake intimidation campaigns.¹⁰⁰

Unfortunately, this trend is nothing new in Burundi and appears to be in line with a conviction among certain political factions that armed support is necessary if one wants to stand a chance at the elections. FRODEBU, for instance, has explained its failure at the 2005 elections by the fact that it did not have an armed branch to carry out a voter intimidation campaign. FNL is also reported to have said that electoral victory in 2010 will in part be determined by its effectiveness in intimidating the electorate.¹⁰¹

Lack of progress with civilian disarmament

Reports on the alleged militarisation of youth groups and arming of supporters are especially worrisome in the light of the limited progress made to date with the disarmament of civilians. Burundian society, or certain parts of it, is generally highly armed as a result of a policy by previous governments to distribute arms to civilians for defence against rebel movements.¹⁰² In addition, the many rebel movements that have laid down their arms and have undergone DDR processes have generally handed in small numbers of weapons.¹⁰³ Considering the great difficulty in estimating the number of arms in possession of the rebel movements and the fact that not every combatant would necessarily have had a weapon, it is nevertheless highly likely that some movements have hidden a certain quantity of weapons.¹⁰⁴ A number of combatants could also have handed in their weapons in order to buy new ones with the compensation received.¹⁰⁵

Several initiatives have been undertaken to disarm the population. In May 2008, President Nkurunziza signed a decree establishing the Commission on Civilian Disarmament and Combating the Proliferation of Small Arms. Unlike its predecessor, the Technical Commission of Civilian Disarmament and Small Arms Control, the new commission is mandated to introduce a general prohibition on arms. In collaboration with BINUB, laws have been revised accordingly and the destruction of arms has continued.¹⁰⁶ A communication strategy to raise awareness among the population about the civilian disarmament programme has been initiated, while the police continues with its search operations.¹⁰⁷

However, the prevailing security situation, marked by increased criminal activity and intimidation campaigns, is unlikely to result in a conducive environment in which civilians have confidence in the country's security forces ensuring their safety and arms being handed in voluntarily. With the elections approaching swiftly, civilians are likely to hold on to their arms at least until after the elections, further contributing to an armed environment during the electoral process.¹⁰⁸

Over the past year Burundi has made significant strides in consolidating the fragile peace that has come about as result of the conclusion of the protracted peace process with the FNL. However, tensions between the newly established FNL party and the CNDD-FDD require urgent attention. The PPB is mandated to ensure consolidation of the peace process between the two parties. However, it must be emphasised that problems are likely to occur in the context of contest for electoral support, especially as the FNL is regarded by many as serious competition for the ruling party. The fact that the FNL is suffering considerable internal rifts will make any attempt to quell the situation more challenging.

It could be argued that the international community's predominant focus on bringing the FNL into the peace process has resulted in its missing an opportunity over the past four years to constructively engage the young democracy, headed by a former rebel movement inheriting a post-conflict country facing numerous challenges, on issues such as intra-party democracy and the relationship between

the ruling party and the opposition in the context of parliamentary democracy, amongst others. This could possibly have prevented some of the problems that Burundi is experiencing at the moment since the FNL joins a long list of political parties that have had problematic encounters with the ruling party. Although the FNL should receive special consideration given the fact that it was only disarmed recently and is currently suffering from serious internal divisions, other political parties also need to be engaged as part of a general sensitisation effort aimed at raising awareness about the importance of refraining from the use of violence in the run-up to the elections. Establishing facts about the claimed militarisation of youth leagues or arming of supporters by some political actors is very important in this regard. Rumour mongering has created tensions in Burundi in the past and may result in increased use of armed supporters for intimidation purposes by some political factions before the polls, simply because other political parties are believed to be doing the same.

Continuous efforts to promote dialogue between political factions are also important when one looks at post-election Burundi, which is unlikely to see any party with a two-third majority in parliament, thus requiring parties to collaborate. Furthermore, Burundi provides an opportunity for the AU, for instance, to move beyond its conventional approach to elections, which has centred on deploying election observers or facilitating an agreement to end an already existing election-related dispute. The continental body has a long track-record of peacemaking efforts in the country, providing a leverage that could be used to engage political factions more rigorously. It is therefore noteworthy that a recent communiqué of the AU Peace and Security Council urges the deployment of such a mission.¹⁰⁹ This could possibly be coordinated with efforts from relevant countries in the region that facilitated the negotiations between the GoB and FNL, especially South Africa. Supporting initiatives aimed at building public trust, especially in the urban areas is key, furthermore it could still positively affect the current apprehension that appears to be prevailing. Efforts towards building the mediation capacity of selected community leaders and other influential people should also be encouraged.

These initiatives are extremely important and may decrease Burundi's potential for election-related violence, despite the feeling in some quarters that Burundi is unlikely to experience widespread violence as a result of the electoral process.¹¹⁰ It has been noted that 'Burundians gave war a chance and saw that it does not pay'.¹¹¹ Indeed, a close examination of the conflict trajectory in Burundi supports the argument that Burundians are generally extremely tired of the insecurity that has prevailed for so long. Nevertheless, recent developments are worrisome and in a country as small and densely populated as Burundi, violent clashes between armed supporters of political factions could easily reverse the country's path towards sustainable peace. Moreover, it should be noted that Burundi is just one of four key countries in the Great Lakes Region – besides Uganda, the Democratic Republic of the Congo and Rwanda – that is scheduled to hold elections in the next two years. The various electoral contests are likely to have an impact on a region already suffering from lingering tension.

Lastly, it should be noted that should unrest break out, it is most likely to do so in urban areas, as opposed to the popular view that rural areas will lead in this regard. This can be explained by the fact that urban areas are the home to a large number of ex-combatants, whose reintegration into society has largely failed. Furthermore, the display of wealth by the so-called elite, in stark contrast to the poor living conditions of the urban population, must result in heightened frustration. Civic education, conflict management initiatives and other related activities being undertaken by a range of local and international organisations should be extended to or intensified in urban areas, or be continued with if such initiatives are already in place.¹¹²

Acronyms

ADR	Alliance pour la Démocratie et le Renouveau (Alliance for Democracy and Revival)
AU	African Union
BINUB	UN Integrated Office in Burundi
CCA	Comprehensive Ceasefire Agreement
CENI	Permanent National Independent Electoral Commission
CNDD-FDD	Conseil National pour la Défense de la Démocratie – Forces pour la Défense de la Démocratie (National Council for the Defence of Democracy – Forces for the Defence of Democracy)
CNDD–Nyangoma	Conseil National pour la Défense de la Démocratie – Nyangoma (National Council for the Defence of Democracy – Nyangoma)
DDR	Disarmament, demobilisation and reintegration
DRC	Democratic Republic of Congo
ES	Executive Secretariat of the National Commission for Demobilisation, Reinsertion and Reintegration
EU	European Union
FRODEBU	Front pour la Démocratie au Burundi (Front for Democracy in Burundi)
GoB	Government of Burundi
IC/GLR	International Conference for the Great Lakes Region
INSS	National Social Security Institute
JVMM	Joint Verification and Monitoring Mechanism
MDRP	World Bank’s Multi-Country Demobilisation and Reintegration Programme
MRC-Rurenzangemero	Mouvement pour la Rehabilitation du Citoyen – Rurenzangemero (Movement for the Rehabilitation of Citizens – Rurenzangemero)
MSD	Mouvement pour la Solidarité et Développement (Movement for Solidarity and Development)
ONUB	UN Peacekeeping Mission in Burundi
Palipehutu-FNL	Parti pour la Libération du Peuple Hutu – Forces Nationales de Libération (Party for the Liberation of the Hutu People – National Liberation Forces)
PARENA	Parti pour le Redressement National (Party for National Recovery)
PD	Political Directorate
PNDRR	National Demobilisation, Reinsertion and Reintegration Programme
PPB	Partnership for Peace in Burundi
FRODEBU-Nyakuri	Front pour la Démocratie au Burundi – Nyakuri (Front for Democracy in Burundi – Nyakuri)
STT	Special Task Team
TCT	Technical Coordination Team of the National Commission for Demobilisation, Reintegration and Reinsertion
UN	United Nations
UNDP	UN Development Programme
UPD-Zigamibanga	Union pour la Paix et le Développement – Zigamibanga (Union for Peace and Development – Zigamibanga)
UPRONA	Union pour le Progrès National (Union for National Progress)

-
- 1 Jamila El Abdellaoui is currently a senior researcher with the Conflict Prevention Programme at the ISS office in Addis Ababa, Ethiopia.
 - 2 The background information given in this section was retrieved from various sources, most importantly from anonymous interviews conducted during the period under discussion, as well as from publications, such as Jean-Marie Gasana, Henri Boshoff & Richard Cornwell, *Burundi: The end of the tunnel*, Institute for Security Studies, 2 February 2009, available at http://www.issafrica.org/dynamic/administration/file_manager/file_links/SITREPBURUNDI060209.PDF?link_id=3&slink_id=7248&link_type=12&slink_type=13&tmpl_id=3 (accessed 5 February 2009) and International Crisis Group, *Burundi: Finalising peace with the FNL*, *Africa Report* N° 131, 28 August 2007, available at http://www.crisisgroup.org/library/documents/africa/central_africa/131_burundi_finalising_peace_with_the_fnl.pdf (accessed September 2007), as well as International Crisis Group, *Burundi: Restarting political dialogue*, Policy Briefing, *Africa Briefing* N°53, 19 August 2008, available at http://www.crisisgroup.org/library/documents/africa/central_africa/b53_burundi_restarting_political_dialogue_en_translation.pdf (accessed September 2008). These reports provide a more detailed account of the events in the peacemaking efforts between the Palipehutu–FNL and GoB from the start of the process at the beginning of 2006 until January 2009.
 - 3 In this report, the term international community refers to missions of various Western (among others Belgium, France, United Kingdom and the United States) and African (most notably Tanzania, South Africa and Uganda) governments in Burundi, UN agencies, African Union and to a lesser extent international non-governmental organisations.
 - 4 For more information on the origins of the Palipehutu–FNL, as well as now, former rebel movements, see International Crisis Group, *The Burundi rebellion and the ceasefire negotiations*, *African Briefing*, 6 August 2002. Available at http://www.crisisgroup.org/library/documents/africa/central_africa/burundi_rebels_020805_corrected.pdf (accessed October 2002).
 - 5 This agreement dealt with certain political issues such as the establishment of a commission to rewrite the history of Burundi, provisional immunity for Palipehutu–FNL members, the movement’s transformation into a political party and the modalities regarding the transformation and modernisation of Burundi’s defence and security forces.
 - 6 The JVMM consisted of representatives of the two parties, officials of Tanzania, Uganda and South Africa, and representatives of the AU and the UN.
 - 7 In addition to the aforementioned reports, see also Human Rights Watch, *Burundi: Pursuit of power – political violence and repression in Burundi*, May 2009, section VI, for additional information on these clashes. Available at <http://www.hrw.org/en/reports/2009/06/03/pursuit-power-0> (accessed 4 June 2009).
 - 8 The PD was to be composed of representatives of the two parties, the South African Special Representative to the Great Lakes Region (serving as chairman), and representatives of the AU, the UN and the EU.
 - 9 One of the issues raised by the Palipehutu–FNL at this point concerned the restructuring of Burundi’s army (as opposed to simply integrating a certain number of its combatants into the army). This would also include looking into the issue of the ethnic quotas to be used for the country’s defence and security forces as currently stipulated in the constitution. The movement also once again outlined its reservations about changing its name (the name Palipehutu–FNL refers to the liberation of the ‘Hutu people’ and this ethnic connotation is not in line with the spirit of Burundi’s constitution). Lastly, the movement raised concern with the provisional immunity granted to them and requested additional assurances.
 - 10 One of the most contentious issues at this point was FNL’s refusal to its name and suggested to instead change the constitution. Another challenge related to FNL’s understanding with regards to the integration of its combatants into Burundi’s defence and security forces. Other challenges related to lack of progress in the implementation of other issues previously agreed upon.
 - 11 UN Secretary-General, Fifth report of the Secretary-General on the United Nations Integrated Office in Burundi, 22 May 2009. Available at <http://daccessdds.un.org/doc/UNDOC/GEN/N09/344/48/PDF/N0934448.pdf?OpenElement> (accessed 12 June 2009), 2.
 - 12 Declaration du FNL, 9 January 2009, Available at http://www.issafrica.org/dynamic/administration/file_manager/file_links/FNLDEC9JAN09FR.PDF?link_id=14&slink_id=7185&link_type=12&slink_type=13&tmpl_id=3 (accessed 23 January 2009). It should be noted, however, that several senior members of the movement disagreed with the proposed change. See International Crisis Group, *Burundi: Réussir l’intégration des FNL*, *Policy Briefing* N°63, 30 July 2009 (Available at http://www.crisisgroup.org/library/documents/africa/central_africa/b63_burundi_reussir_l_integration_des_fnl.pdf (accessed 3 August), 7.
 - 13 UN Secretary-General, Fifth report on BINUB, 1.
 - 14 Ibid, 2.
 - 15 Bujumbura Declaration, Bujumbura, 17 January 2009. Available at http://www.iss.co.za/dynamic/administration/file_manager/file_links/BUJUMBURADECJAN09.PDF?link_id=29&slink_id=7186&link_type=12&slink_type=13&tmpl_id=3 (accessed 13 February 2009).
 - 16 Declaration of the Political Directorate of the Burundi Peace Process on the implementation process of the joint decisions made on 8 April 2009 in Pretoria. Bujumbura, April 2009. On file with author.
 - 17 See UN Security Council Resolution 1719, 25 October 2006, for the full mandate of BINUB. Amongst others, the resolution noted that BINUB would focus on and support GoB with DDR and security sector reform. More specifically, the resolution mandated BINUB to support the implementation of the CCA of 7 September 2006, the development of a national plan for reform of the security sector, the completion of the national programme

- for the demobilisation and reintegration of former combatants, and efforts to combat the proliferation of small arms and light weapons.
- 18 For more information on the earlier and most important round of DDR in Burundi, see the MDRP fact sheet, Available at www.mdrp.org/Burundi_main.htm (accessed 4 September 2009).
 - 19 Interview with an anonymous participant, Bujumbura, March 2009. It should be noted that, as the name indicates, this new structure does not deal with matters related to disarmament.
 - 20 Ibid.
 - 21 Henri Boshoff, ISS, Today, The end of the Burundian Peace Process, 6 May 2009, Available at http://www.issafrica.org/index.php?link_id=5&mlink_id=7643&link_type=12&mlink_type=12&tml_id=3 (accessed 6 May 2009).
 - 22 UN Secretary-General, Fifth report on BINUB, 3.
 - 23 Ibid.
 - 24 IRIN, Burundi: Dangerous demobilisation gaps, 29 April 2009. Available at <http://www.Irinnews.org/Report.aspx?ReportId=84162> (accessed 4 May 2009). This report raises the concern that this group is 'excluded from any form of compensation or assistance'.
 - 25 Political Directorate, communiqué on the processing of adults associated with the FNL, 9 July 2009 Available at <http://binub.turretdev.com/en/images/articles/DP97E.pdf> (accessed 14 September 2009).
 - 26 BINUB, Burundi ends disarmament programme, 11 August 2009. Available at http://binub.turretdev.com/en/index.php?option=com_content&task=view&id=373 (accessed 13 August 2009).
 - 27 Personal interview with independent analysts, Bujumbura, June 2009. It should be noted that towards the end of 2008 it was decided to include in the DDR programme the approximately 3 000 alleged Palipehutu–FNL dissidents that were under the protection of the national defence forces. UN Secretary-General, Fourth report of the Secretary-General of the United Nations Integrated Office in Burundi, 28 November 2008. Available at <http://daccessdds.un.org/doc/UNDOC/GEN/N08/619/00/PDF/N0861900.pdf?OpenElement> (accessed 9 January 2009), 8.
 - 28 Personal interview with an anonymous participant, Bujumbura, March 2009.
 - 29 For a concise discussion of how Burundian society, especially the government and security structures, became increasingly ethnically oriented following independence, see Gérard Prunier, *Burundi: A manageable crisis?* October 1994. Available at www.grandslacs.net/doc/2505.pdf (accessed 9 January 2009).
 - 30 See Protocol II, article 11(d) of the Arusha Agreement and article 257 of Burundi's Constitution.
 - 31 In a statement by the army's Chief of Staff, General Godefroid Niyombare, it was indicated that, as shown by a recent census, the required ethnic balance in the army had not yet been achieved exactly. He confirmed that achievement of this balance remained the ultimate objective. ABP, *Le chef d'état – major général de la FDN révèle sa feuille de route*, 15 June 2009. Available at <http://www.abarundi.org/v2/modules.php?name=News&file=article&sid=594> (accessed 6 July 2009). Niyombare's position as Chief of Staff is in itself a noteworthy development. In April 2009 the Senate approved President Nkurunziza's nomination of Niyombare for this position. Niyombare is a Hutu, who previously served as Deputy Chief of Staff under General Samuel Gahiro, a Tutsi. This is the first time that a Hutu has been appointed army Chief of Staff. AFP, *Burundi appoints a Hutu as military chief for the first time*, 16 April 2009. Available at http://www.newssafety.org/index.php?option=com_content&view=article&id=12838:burundi-appoints-an-hutu-as-military-chief-for-first-time&catid=436:burundi-security&Itemid=100200 (accessed 6 July 2009).
 - 32 In mid-June 2009, General Niyombare indicated that, following the integration of Palipehutu–FNL combatants, the number of soldiers in the national army was approaching 29 000. He noted that, in collaboration with the international community, the next phase of rightsizing would see the number go down to 25 000. ABP, *Le chef d'état-major général de la FDN révèle sa feuille de route*, 15 June 2009. Although donors initially insisted on an army of not more than 25 000, they appear to have accepted the additional number of 4 000 for now, most likely because proceeding with the rightsizing process shortly before the elections could increase security challenges. Personal interview with independent analysts, Bujumbura, June 2009.
 - 33 Since the exact ethnic balance of the country's security forces is unknown, some argue that the additional Palipehutu–FNL combatants integrated into the army and police forces did not necessarily upset the balance as there may have been a 'surplus' of Tutsi in the security forces at the time. Personal interview with independent analysts, Bujumbura, June 2009.
 - 34 Some have estimated that the number of Palipehutu–FNL combatants did not exceed 3 000 prior to the movement's renewed recruitment process, which was largely motivated by the allowances demobilised combatants would receive following the DDR process. International Crisis Group, *Burundi: Réussir l'intégration des FNL*, 6.
 - 35 Personal interview with independent analysts, Bujumbura, June 2009.
 - 36 IWACU, *FNL: La guerre des grades*, 4 June 2009. Available at http://www.iwacu-burundi.org/index.php?option=com_content&task=view&id=701&Itemid=907 (accessed 12 June 2009).
 - 37 Personal interview with independent analysts, Bujumbura, June 2009.
 - 38 UN Secretary-General, Fifth report on BINUB, 2.
 - 39 Personal interview with a FNL official in Bujumbura, March 2009. It should also be noted that taking up positions in GoB has historically not been an aim of the FNL. In addition, it is said that the FNL attached more importance to the reconfiguration of the Burundian army. Several senior leaders believed that taking up positions in GoB might result in being associated with the 'failures' of the current government, especially

- the ruling party, thereby decreasing its chances for an electoral success in 2010. International Crisis Group, Burundi: Réussir l'intégration des FNL, 9.
- 40 Declaration of the Political Directorate, April 2009.
- 41 AtlasVista, Burundi: L'ex-rébellion des FNL devient officiellement un parti politique, 22 April 2009. Available at http://www.burundirealite.org/news_view.cfm?ID=2850&LANG=F (accessed 23 April 2009).
- 42 Article 33 of the law on political parties stipulates that members of a party's executive body may not be more than 75 per cent of a particular ethnic group. Loi N°1 006 du 26 juin 2003 portant organisation et fonctionnement des partis politiques. The FNL's leadership is said to consist mostly of Hutus, certainly comprise more than 75 per cent. Agathon Rwasa is said to have asked for time to correct this anomaly. International Crisis Group, Burundi: Réussir l'intégration des FNL, 8.
- 43 Mail & Guardian, Ex-rebel leader to head Burundi's welfare agency, 5 June 2009, <http://www.mg.co.za/article/2009-06-05-exrebel-leader-to-head-burundis-welfare-agency> (accessed 10 June 2009).
- 44 PANA, Réinsertion socioprofessionnelle d'ex-chefs rebelles burundais, 5 June 2009. Available at http://www.arib.info/index.php?option=com_content&task=view&id=888&Itemid=63 (accessed 8 June 2009).
- 45 Arib News, FNL: Exit Pasteur Habimana, 3 September 2009. Available at http://www.arib.info/index.php?option=com_content&task=view&id=1114&Itemid=63 (accessed 15 September 2009).
- 46 Telephone interview with an independent analyst in Bujumbura, October 2009.
- 47 Not necessarily as part of an official campaigning programme, International Crisis Group anticipates that the challenge related to land tenure, the preference for reconciliation over justice as well as the issue of ethnic quotas will be among the preoccupations of the FNL. International Crisis Group, Burundi: Réussir l'intégration des FNL, 11-13.
- 48 At this point, several senior members of the movement, among others Jacques Kenese and Pasteur Habimana, questioned the legitimacy of Agathon Rwasa as leader of the party due to the fact that the party had not held a congress since 2004 whilst its policy stipulates that such a gathering must be held every three years. Over and above this, it was indicated that the 'dictatorial tendencies' on the part of Rwasa as well as several mistakes he made were reasons behind the refusal to acknowledge Agathon Rwasa as head of the party. See Arib News, Burundi: Dissensions au sein de l'ex-rébellion des FLN, 15 September 2009. Available at http://www.arib.info/index.php?option=com_content&task=view&id=1146&Itemid=63 (accessed 20 September 2009); Arib news, La FNL-Benelux accuse Rwasa de dérive dictatorial, 17 September 2009. Available at http://www.arib.info/index.php?option=com_content&task=view&id=1153&Itemid=63 (accessed 20 September 2009); and IWACU, Methuselah désavoue Agathon: Le CNDD-FDD serait-il le catalyseur? 26 September 2009. Available at http://www.iwacuburundi.org/index2.php?option=com_content&do_pdf=1&id=916 (accessed 2 October 2009). 2009).
- 49 BINUB, Burundi opposition dissidents move to oust leader, 4 October 2009. Available at http://binub.turretdev.com/en/index.php?option=com_content&task=view&id=388&Itemid=1 (accessed 5 October 2009). It should be noted however, that it has been questioned whether the 400 participants were indeed genuine supporters of this faction of the FNL. Personal interview with representative of international organisation, Bujumbura, November 2009.
- 50 Personal interview with representative of an international organisation, Bujumbura, November 2009.
- 51 Personal interviews with an independent analyst and diplomats, Bujumbura, November 2009.
- 52 BINUB, Burundi's ex-rebel leader warns of fresh unrest, 30 October 2009. Available at http://binub.turretdev.com/en/index.php?option=com_content&task=view&id=395&Itemid=1 (accessed 2 November 2009).
- 53 IRIN, Burundi: New peace structure to bolster stability, 29 May 2009. Available at <http://www.irinnews.org/Report.aspx?ReportId=84617> (accessed 1 June 2009).
- 54 Peacebuilding Commission and Government of Burundi, Strategic framework for peacebuilding in Burundi, 20 June 2007. Available at www.reformtheun.org (accessed 26 March 2009).
- 55 On security sector reform see, for instance, Willy Nindorera, Security sector reform in Burundi: Issues and challenges for improving civilian protection, July 2007 – available at http://www.nsi-ins.ca/english/pdf/CENAP_NSI_SSR_Burundi.pdf; Pyt Douma & Jean Marie Gasana, Reintegration in Burundi: Between happy cows and lost investments, October 2008 – available at http://www.clingendael.nl/publications/2009/20090318_cru_reintegration_burundi_specker.pdf; and Stéphane Mora, La réforme du secteur de la sécurité au Burundi, Country Case Study: Burundi, International Center for Transitional Justice and Initiative for Peacebuilding, November 2008 – available at <http://www.ictj.org/images/content/1/3/1312.pdf> (accessed 5 September 2009). On the issue of transitional justice, see the website of the national consultations that are currently ongoing at www.kazoza-burundi.org.
- 56 UN Secretary-General, Fourth report on BINUB, 4.
- 57 Ibid.
- 58 UN Secretary-General, Fifth report on BINUB, 4.
- 59 Personal Interview with an independent analyst, Bujumbura, June 2009.
- 60 Personal interview with a BINUB official, Bujumbura, June 2009.
- 61 Personal interview with an independent analyst, Bujumbura, June 2009.
- 62 Burundi's administrative structure is as follows: the country has 17 provinces, each run by a governor who is appointed by the President. A province is divided into *communes*, each run by a Communal Administrator supported by a Communal Council composed of 25 members, who are elected by popular vote. The Communal Council elects the Communal Administrator. *Communes* are then divided into zones that are each headed by a *Chef de Zone*. The Communal Council appoints the *Chef de Zone* following a nomination by the Communal

- Administrator. Finally, Zones are divided into collines, which are headed by an elected *Colline* Council and a *Chef de Colline*. Human Rights Watch, Pursuit of power, 21.
- 63 Personal interview with an independent analyst, Bujumbura, June 2009.
- 64 See article 96 of the Constitution. During the elections of 2005, in accordance with article 302 of the constitution, the country's president was elected indirectly by the National Assembly and Senate in a joint sitting.
- 65 Several senior members of the CNDD-FDD allegedly opposed this sequencing as well, illustrating the continuing divisions in the ruling party. Telephone interview with an independent analyst, September 2009.
- 66 Personal interview with an independent analyst, Bujumbura, June 2009.
- 67 Personal interview with an independent analyst, Bujumbura, November 2009.
- 68 Personal interview with an independent analyst, Bujumbura, June 2009.
- 69 *Africa Confidential*, Burundi: Nkurunziza's formula for victory, vol. 50, no. 18, 11 September 2009, 10.
- 70 See article 202 of the 2005 Electoral Code.
- 71 *Africa Confidential*, Nkurunziza's formula for victory, 10.
- 72 See article 55 of the 2005 Electoral Code.
- 73 IWACU, L'opposition ne désarme pas, 4 August 2009. Available at http://www.iwacu-burundi.org/index2.php?option=com_content&do_pdf=1&id=820 (accessed 12 August 2009). See also *Africa Confidential*, Nkurunziza's formula for victory, 10.
- 74 Arib news, Ce mercredi 09 septembre 2009: jour de tous les dangers au Parlement burundais, 8 September 2009. Available at http://www.arib.info/index.php?option=com_content&task=view&id=1126&Itemid=63 (accessed 14 September 2009).
- 75 BINUB, Communiqué: Démarche commune de l'Afrique du Sud, de la Tanzanie, des Etats-Unis, de l'Union Européenne et des Nations Unies auprès des parties politiques représentés au Parlement, 29 August 2009. Available at http://www.arib.info/BINUB_Communique_29082009.pdf (accessed 1 September 2009).
- 76 AFP, Burundi MPs fail to agree on election rules, 31 August 2009, AU Situation Room News Highlights.
- 77 AFP, Burundi election to cost 43 million dollars: organisers, 4 September 2009, AU Situation Room News Highlights.
- 78 Arib news, Ce mercredi, 9 Septembre 2009.
- 79 Arib news, Le CNDD-FDD a publiquement retiré sa confiance à la CENI, 10 September 2009. Available at http://www.arib.info/index.php?option=com_content&task=view&id=1136&Itemid=63 (accessed 14 September 2009).
- 80 Personal interview with diplomat, Bujumbura, June 2009.
- 81 Arib news, Burundi: l'Assemblée nationale adopte à l'unanimité un nouveau Code électoral, 11 September 2009. Available at http://www.arib.info/index.php?option=com_content&task=view&id=1138&Itemid=63 (accessed 14 September 2009).
- 82 Loi No1/22 du 18 Septembre 2009 portant révision de la loi, N°1/015 du 20 avril 2005 portant code electoral, article 1.
- 83 Ibid. Article 104.
- 84 Ibid. Article 55.
- 85 AFP, UN signs deal to manage financing of Burundi election, 18 September 2009, AU Situation Room News Highlights.
- 86 For instance, towards the end of October leaders of six political parties, including Sahwanya-FRODEBU and UPRONA, signed a declaration in which they raise concern with the 'illegal restriction of political activities.' Arib news, L'opposition accuse le CNDD-FDD de vouloir torpiller les elections de 2010, 23 October 2009. Available at http://www.arib.info/index.php?option=com_content&task=view&id=1262&Itemid=63 (accessed 27 October 2009).
- 87 International Crisis Group, Burundi: Réussir l'intégration des FNL, 14.
- 88 Article 124 of Burundi's constitution stipulates that the two Vice-Presidents have to come from different ethnic groups as well as from different political parties. In the current administration, one of the Vice-Presidencies was filled by a Tutsi from a so-called predominantly Tutsi political party.
- 89 There are currently 43 registered political parties and this overview deals with the parties currently in government and those outside of government that have received attention over the past year for one reason or another.
- 80 UN Secretary-General, Fourth report on BINUB, 4. See also page 10.
- 91 UN Secretary-General, Fifth report on BINUB, 4.
- 92 Human Rights Watch, Burundi: Pursuit of Power, 59.
- 93 Document d'orientation conjoint sur la politique Européenne au Burundi Available at www.arib.info/DOCUMENT-POLTIQUE-EUROPEENNE-Juillet2009.pdf (accessed 4 August 2009), 14.
- 94 See Burundi Transparence, Le gouvernement burundais se durcit: Restriction de déplacement pour les membres de la société civile, 9 August 2009. Available at http://www.burunditransparence.org/controle_sc.html (accessed 12 August 2009).
- 95 For a detailed discussion on the reintegration of ex-combatants in Burundi see Pyt Douma & Jean Marie Gasana, Reintegration in Burundi: Between happy cows and lost investments, October 2008.
- 96 IWACU, Le paradoxe du FROLINA, 5 September 2009. Available at http://www.iwacu-burundi.org/index2.php?option=com_content&do_pdf=1&id=880 (accessed 15 September 2009).

- 97 Josh Kron & Jeffrey Gettleman, Congo's militia's lure former rebels from Burundi, *The New York Times*, 21 August 2009. Available at http://www.nytimes.com/2009/08/21/world/africa/21congo.html?_r=1 (accessed 21 August 2009).
- 98 Human Rights Watch, Pursuit of power, 63.
- 99 Personal interviews with independent analysts, Bujumbura, June and November 2009.
- 100 Personal interview with an independent analyst, Bujumbura, June 2009 and personal interview with representative of an international organisation, Bujumbura, November 2009.
- 101 International Crisis Group, Burundi: Réussir l'intégration des FNL, 6.
- 102 Willy Nindorera, Security sector reform in Burundi: Issues and challenges for improving civilian protection, July 2007. Available at http://www.nsi-ins.ca/english/pdf/CENAP_NSI_SSR_Burundi.pdf (accessed 12 June 2009), 37.
- 103 By March 2008, 24 498 combatants had undergone DDR and an estimated 6 000 weapons had been retrieved as part of that ongoing process. Richard Baltrop, The negotiation of security issues in the Burundi peace talks, Centre for Humanitarian Dialogue, March 2008. Available at <http://www.hdcentre.org/files/Burundi.pdf> (accessed 12 June 2009), 28.
- 104 Baltrop, The negotiation of security issues, 28 & 29. For instance, on 1 October PANA reported that the police discovered an arms cache in the province of Bujumbura Rural. This was the third such discovery in a space of a few weeks. The discovery resulted from a greater awareness among the population about issue of civilian disarmament. PANA, Découverte d'une importante cache d'armes dans Bujumbura-Rural, 1 October 2009. Available at http://www.arib.info/index.php?option=com_content&task=view&id=1197&Itemid=76 (accessed 5 October 2009).
- 105 Baltrop, The negotiation of security issues, 28 & 29.
- 106 UN Secretary-General, Fourth report on BINUB, 9.
- 107 UN Secretary-General, Fifth report on BINUB, 7.
- 108 In light of this, it is telling that at the end of October 14 000 weapons had reportedly been collected in a nation-wide disarmament campaign in a space of a week. This followed a one-week deadline set by the President for civilians to hand in arms voluntarily or be subjected to heavy penalties in case weapon possession was discovered. Reuters, Burundi collects nearly 14 000 weapons in a week, 31 October 2009. Available at <http://www.alertnet.org/thenews/newsdesk/LV660571.htm> (accessed 2 November 2009). However, it should be noted that the 14 000 weapons collected include, besides arms, bombs and mines, ammunition as well. It is estimated that of the 14 000 'weapons' collected, only about 3 000 concern arms. Overall, out of the reported 70 000 weapons collected thus far (out of an estimated total of 100 000 to 300 000) it is estimated that only approximately 13 000 have been arms. Personal interview with a representative of an international organisation, Bujumbura, November 2009.
- 109 African Union, Peace and Security Council, Press Statement on its 199th Meeting on 17 August 2009.
- 110 Personal interviews with various independent analysts, Bujumbura, March and June 2009.
- 111 Luttwak, quoted in Peter Uvin, *Life after violence: A people's story of Burundi*, London: Zed Books, 2009, 173.
- 112 Uvin, *Life after violence*, 186.