



# Situation Report

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## Burundi: Overview of the 2010 elections and observations on the way forward

### Introduction

In early September 2010 Burundi held the last poll in a series of elections that have taken place since May 2010 amid persisting concerns over the way forward for the country. The political climate had been dominated by 'election speak' since as early as 2008. However, the events following the announcement of the provisional results of the communal elections of 24 May (i.e. local or municipal elections in Burundi's communes) illustrate that many stakeholders were nevertheless not fully prepared for the electoral marathon, as well as its consequences.

The significance of the 2010 elections lies in the fact that they were only the second post-transitional polls to be organised in Burundi. The 2005 elections officially brought to a close the transitional arrangements that were put in place to end more than a decade of civil strife and several episodes of violence and instability since the country's independence in 1962. Furthermore, unlike in 2005, when the organisation of the polls was part of the mandate of the United Nations Mission in Burundi (ONUB), this time around the responsibility fell on the Burundi themselves. The 2010 elections also included voting for the country's president through direct universal suffrage, whereas in 2005 the president was elected by a joint sitting of the National Assembly and Senate. The entry onto the political scene of various new actors, including the former rebel movement Forces Nationales de Libération (National Liberation Forces, or FNL), resulted in less certainty over the outcome of the polls as compared to 2005 or even 1993. Consequently, speculations over which party would dominate the incoming administration were rife, especially given the numerous challenges that the country is still facing, which require urgent attention.

This situation report provides an overview of the main developments in Burundi's 2010 electoral process. Following a short section to provide the context in which the 2010 elections took place, the report will briefly discuss the pre-electoral climate in Burundi, which witnessed various key developments. An overview of how the communal, presidential and legislative polls unfolded will follow. Thereafter, the report will turn to several observations regarding the polls and the immediate way forward for the country.

### Background

Since independence, Burundi has experienced several waves of violence and instability, with a peak in 1972 and after the October 1993 assassination of the country's first democratically elected Hutu president, Melchior Ndadaye, the leader of the Front pour la Démocratie au Burundi (Front for Democracy in Burundi, or FRODEBU). The country plunged into chaos, although, remarkably,

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not all-out chaos, with an intensification of armed opposition against the government. The protracted negotiations that resulted in the Arusha Peace and Reconciliation Agreement for Burundi (Arusha Agreement) in August 2000 led to the establishment of a transitional government in November 2001.

The transitional government was charged with the task of drafting a constitution, in the spirit of the Arusha Agreement, as well as organising elections and reforming the security sector. Furthermore, despite the fact that the process was moving forward rapidly, several rebel movements had not been part of the negotiations and therefore the transitional government was expected to bring these groups into the peace process. Eventually, two smaller movements – the FNL of Alain Mugabarabona and the 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, or CNDD-FDD) of Jean-Bosco Ndayikengurukiye – signed an agreement with the transitional government in 2002. The biggest movement, the CNDD-FDD of Pierre Nkurunziza, signed agreements in 2002 and 2003.

With thousands of CNDD-FDD combatants integrating into the defence and security forces, the process to address one of the challenges in the Burundi conflict – a security force that was not representative of the society it was meant to protect in its entirety – was set in motion. Despite several delays in ending the transitional period, a new page in Burundi's history was turned with the inauguration of CNDD-FDD's Pierre Nkurunziza as the country's second democratically elected Hutu president. Burundi was referred to as a success story, not only by those African countries leading the peace process, but also by the wider international community, which had closely followed and supported the peace efforts.

Needless to say, the Nkurunziza administration inherited a country with tremendous challenges, but nevertheless commenced governing Burundi on a high note. Improving access to primary education and health care topped the list of priorities of the new administration, as well as dealing with the one remaining rebel movement, the Parti pour la Libération du Peuple Hutu-Forces Nationales de Liberation (Party for the Liberation of the Hutu People-National Liberation Forces, or PALIPEHUTU-FNL). However, as one could have expected, the young political party experienced challenges, including serious internal divisions.<sup>2</sup>

The integration of the FNL into the administrative and security structures of the Burundi state provided the expected relief and ended most of the remaining security challenges. Nevertheless, by the time the movement returned to Bujumbura and its members took up their positions, many local and international actors had turned their attention to the upcoming elections in 2010. The establishment of the permanent electoral commission, the Commission Electorale Nationale Indépendante (National Independent Electoral Commission, or CENI), was delayed as different political parties complained that they were insufficiently consulted by President Nkurunziza on the appointment of CENI members and as a result there was a lack of support for the president's nominations in parliament. While this was eventually resolved in February 2009, the revised electoral code was the subject of protracted negotiations, with the various parties failing to reach agreement on issues related to voting modalities, financial issues and sequencing of the five polls. Following concerted pressure on the government by the international community, the new electoral code was eventually adopted by parliament in September 2009. By mid-2009 another challenge was the arrests of numerous opposition party members and restrictions placed on the opposition's activities. At this point reports of the militarisation of the youth leagues and supporters of various political parties were also circulating.<sup>3</sup>

With the institutional and legal frameworks in place, Burundi moved rapidly towards the 2010 elections. The high stakes in the upcoming elections continued to raise tensions. However, by March 2010 it appeared that certain political parties had made successful attempts to restrain their respective youth wings,<sup>4</sup> thus dealing with the challenge of the militarisation of the youth leagues mentioned above. Several opposition parties also indicated that they experienced fewer

restrictions on their activities.<sup>5</sup> The improved ambience – as compared to the final months of 2009 – was partly attributed to efforts by the Ministry of Interior, and in particular by the CENI, to promote dialogue on and a common understanding of the rules and value of the electoral contest among the political actors in the country.<sup>6</sup> Furthermore, pressure from certain members of the international community may have also led to increased efforts by the government to improve the pre-election climate. For instance, at that time, the government had not yet been able to secure approximately USD 21 million of a total budget of USD 52.8 million that the electoral process was expected to cost.<sup>7</sup> Thus, ensuring an improvement in the pre-election climate was often noted as a prerequisite for certain governments to contribute to the ‘basket fund’ for the electoral process, which was managed by the UN Development Programme.<sup>8</sup>

Just two months before the first poll was to take place, national and international stakeholders remained very much divided in terms of the prospects for free, fair and peaceful elections. Some estimated the prospects for violence-free elections to be dim,<sup>9</sup> while others were more positive, like the United Nations Integrated Office in Burundi (BINUB), which expressed cautious optimism. Charles Petrie, who had only recently taken up the position of executive representative of the UN secretary-general following the government’s request to the UN to recall his predecessor, Youssef Mahmoud, was reported as having said that ‘Burundi is set to give an extraordinary example of political maturity’ and that ‘despite challenges, Burundi can give lesson in democracy to others’.<sup>10</sup> Unsurprisingly, optimism also prevailed among CENI officials. The vice-president of the CENI emphasised the importance of the upcoming elections, since ‘in 1993 the Burundi voted for change, in 2005 for peace but in 2010 they will finally vote for political programmes’.<sup>11</sup> Regarding the outstanding amount for the basket fund to pay for the elections, it was explained that sufficient funds were received for the communal and presidential polls and funding for other polls would be raised as the preparations got under way.<sup>12</sup>

While opinions varied on the prospects for free, fair and peaceful elections, many national and international observers spoke in unison on the electoral process’s possible outcome. Although it was widely acknowledged that the incumbent president was tremendously popular among the rural population, many estimated that the ruling party would garner no more than 40–50 per cent of the votes in the communal and legislative elections. The electorate had experienced CNDD-FDD rule for the past five years, which was not without challenges, and it was expected that a significant number of people were too disillusioned to vote for the party again. In addition, the entry onto the scene of several new parties was believed to divide the electorate more evenly than in 2005. Especially the FNL was believed to be serious competition for the ruling party, as it would be aiming for the votes of the same constituency as the CNDD-FDD.<sup>13</sup>

### **Communal elections and their aftermath**

Since the all-important presidential poll of 28 June followed the communal elections scheduled for 21 May,<sup>14</sup> the latter elections were the sole opportunity for the opposition parties to test their individual strengths before deciding on the necessity to form coalitions to contest the presidential poll. This resulted in an unprecedented focus on the communal elections, with various international organisations deploying observers for the poll.

The postponement of this poll from 21 to 23 and eventually to 24 May raised some concerns among political parties,<sup>15</sup> but was largely uncontested, although the last-minute announcement of the postponement was later criticised by the European Union Election Observation Mission (EU-EOM).<sup>16</sup> Out of 3 551 125 registered voters, 3 219 76 Burundi voted that day, resulting in a voter turnout of 90.67 per cent.<sup>17</sup> Media Synergy, a highly regarded network of media outlets that provided extensive coverage during the polls from most parts of the country in four different languages, reported no major incidents of violence, fraud or irregularities.<sup>18</sup>

The CENI started to announce provisional results province by province the following day. These provisional results pointed to an overwhelming victory for the ruling party, which came first in most provinces. Only in Bujumbura rural province was the CNDD-FDD overtaken by the FNL and other parties (57.48 per cent of the votes for the FNL and 26.6 per cent for the CNDD-FDD), while in Bujumbura Mairie votes were almost equally divided between the main competitors.<sup>19</sup> That same day, a group of eight political parties<sup>20</sup> issued a declaration in which they rejected the provisional results of the communal elections, citing as the reason the ‘massive fraud and irregularities’ that had taken place during the poll. They demanded, among other things, that the CENI should annul the election results and organise a rerun of the poll on the same day as the presidential election. The parties also noted that if their demands were not met, they would take appropriate measures.<sup>21</sup> Although not noted in the declaration, various sources reported that one such measure would be a boycott of further polls.<sup>22</sup>

**Table 1: Overview of results of communal elections in 2005 and 2010\***

Party	2005 % of votes	2010 % of votes
CNDD-FDD	55.2	64.03
FNL	n/a	14.15
UPRONA**	8.1	6.25
Sahwanya-FRODEBU	25.5	5.43
MSD	n/a	3.75
UPD	n/a	2.21
FRODEBU-Nyakuri	n/a	1.36
CNDD	4.2	1.26
MRC	2.7	0.62
PARENA	2.3	0.10

Source: <http://www.eisa.org.za> and CENI

\* The full names of political parties referred to here only by their abbreviations/acronyms and that do not appear elsewhere are given in the appendix at the end of the report.

\*\* Union pour le Progrès National (Union for National Progress).

Two days after the communal poll, the Belgian election observation mission issued its communiqué in which it noted that despite certain logistical imperfections, the communal elections had gone well and that the Burundi had voted massively in transparent and equitable circumstances.<sup>23</sup> Also on 26 May a communiqué was released by the Coalition de la Société Civile pour le Monitoring Electoral (Civil Society Coalition for Election Monitoring, or COSOME). COSOME noted that the poll had taken place in ‘calmness and serenity’, but confirmed certain irregularities such as the late opening of voting stations, missing ballot papers for a few political parties at several voting stations (as Burundi’s Electoral Code stipulates the use of multiple ballot papers), and administrators and political party agents attempting to influence voters waiting in line. Nevertheless, it found that these irregularities were not sufficiently serious to ‘distort the result of the poll’.<sup>24</sup> The EU-EOM issued a preliminary declaration on 27 May 2010, echoing the positive assessments by others by stating that thus far the electoral process had taken place in accordance with international norms on democratic elections. It did mention certain challenges such as a weak framework for the resolution of election-related disputes, the aforementioned tardy announcement of the postponement of the poll and the unsanctioned use of state resources for electoral campaigning purposes. It also noted concern about the non-publication of the *procès-verbaux* (minutes) and the positioning of voting booths in a way that did not completely ensure the secrecy of the vote.<sup>25</sup>

On 28 May UPRONA, which had not yet made any announcements following the poll, denounced the ‘large-scale fraud’ that it found had taken place following its investigations, but did not communicate any specific demands for the way

forward.<sup>26</sup> That same day, 13 other opposition parties held a press conference during which they presented examples of fraud and accused the CENI of incompetence and having allowed these incidents of fraud to take place.<sup>27</sup> Three days later the same parties added the sacking of the members of the CENI to their initial demands of 25 May. They cited various problems with the electoral body, including the lack of impartiality on the part of the CENI president.<sup>28</sup>

On 1 June five opposition parties<sup>29</sup> withdrew their candidates for the presidential poll scheduled for 28 June, leaving only incumbent President Nkurunziza and incumbent First Vice-President Sahinguvu of UPRONA in the race.<sup>30</sup> By 4 June the opposition parties, which had formed the Alliance des Démocrates pour le Changement au Burundi (Alliance of Democrats for Change in Burundi, or ADC),<sup>31</sup> reiterated their demand for the sacking of the CENI in a detailed letter addressed to President Nkurunziza.<sup>32</sup> That same day, it was reported that Belgium, obviously satisfied with the freedom and fairness of the process thus far, would release an amount of EUR 2 million to support the remainder of the electoral process.<sup>33</sup> UPRONA withdrew its candidate for the presidential race several days later.<sup>34</sup> On 16 June, in the middle of the campaign for the presidential poll, the ADC released a detailed memorandum on the alleged irregularities and fraud during the 24 May poll, in which it also provided examples of challenges during the pre-electoral period. The report concluded with a list of demands, including the establishment of a new CENI, a revision of the electoral code, and an international and independent audit of the electoral process.<sup>35</sup>

It is said that the ruling party was initially fairly modest in celebrating its victory, as required by the Code of Conduct of Political Parties<sup>36</sup> and as per the advice of certain members of the international community.<sup>37</sup> When the efforts of local civil society organisations and members of the international community did not lead to any rapprochement in the immediate aftermath of the communal poll, the situation deteriorated, which was especially noticeable through the occurrence of violent incidents. The initial violence, such as grenade and arson attacks, mostly targeted ruling party officials. The government subsequently responded by arresting numerous opposition party members and restricting the activities of the opposition parties.<sup>38</sup> The challenge at this point was that the ADC was not a legally recognised organisation, and under this pretext the government prohibited the collective from holding any meetings.<sup>39</sup> In addition, several days later the minister of the interior stated that the parties that did not participate in the presidential poll were not authorised to campaign or hold gatherings and political meetings.<sup>40</sup>

As the presidential poll drew nearer, incidents of election-related violence, such as the destruction of property, assassination attempts and intimidation, further increased. A local monitoring group, Amatora mu Mahoro, reported that especially during the two weeks before the presidential poll, election-related violent incidents increased, in which supporters of the ruling party were recorded as making up the highest percentage of both culprits and victims.<sup>41</sup> On 23 June the ADC had reiterated its demands at a press conference and indicated that its members would not take up the seats in the communal councils won during the communal poll.<sup>42</sup> It was also mentioned that taking up arms was not completely excluded as an option.<sup>43</sup> Several days before the presidential poll, amid rumours of his imminent arrest, FNL leader Agathon Rwasa went into hiding, further contributing to tensions in the country.<sup>44</sup>

### **Presidential election**

On 28 June the Burundi voted for the second time, in a poll that was declared illegal and unconstitutional by the opposition.<sup>45</sup> Because of the boycott, it was decided that the poll would take the form of a referendum, as voters would be asked to vote either for or against the only running candidate.<sup>46</sup> Despite the various security challenges in the run-up to the poll, election day itself did not experience any major incidents of violence.<sup>47</sup> President Nkurunziza was re-elected with 91.62 per cent of the vote, although voter turnout was lower than during the communal elections at 76.98 per cent,<sup>48</sup> a figure contested by the opposition.<sup>49</sup>

On 30 June the EU-EOM issued a clearly more critical preliminary assessment of the poll. The mission welcomed the absence of violence during the poll and the improvement in certain logistical aspects of its administration. It noted that despite a deterioration of the political situation, which put respect for certain international norms to the test, especially the right to freedom of expression, the Barundi had been able to exercise their right to vote. It noted that in most polling stations the positioning of the voting booths had been changed, this time ensuring the secrecy of votes. The EU-EOM reiterated its concerns related to the use of state resources and the non-publication of the minutes. The mission also elaborated on the fact that no register was put together with all the complaints received about the communal poll.<sup>50</sup> Several days before the presidential poll, the head of the EU-EOM was reported as saying that '[i]nsofar as you have the possibility to vote against the president that means that the campaign against the election of the president is allowed',<sup>51</sup> referring to the government prohibiting the opposition from campaigning and holding meetings.

Amid ongoing arrests of opposition party leaders, general insecurity and difficulties with implementing the results of the communal elections due to the withdrawal of the opposition parties, UPRONA announced its decision to return to the process, indicating that it simply could not let one party dominate all the governance institutions in Burundi.<sup>52</sup> By the first day of the campaign for the legislative elections, three parties (CNDD-FDD, UPRONA and FRODEBU-Nyakuri) had submitted their blocked lists of candidates. Several days later the ADC announced that it would maintain its boycott unless the ongoing electoral process was suspended and its supporters who had been arbitrarily arrested were released.<sup>53</sup> Several days before the legislative poll, ADC spokesperson Léonard Nyangoma went into hiding following rumours that he would be stripped of the immunity he enjoyed as a member of the National Assembly. The anticipated action against him was in response to the 11 July communiqué by the ADC in which it accused the government of having committed massacres constituting crimes against humanity and, in certain respects, resembling acts of genocide.<sup>54</sup>

## **Legislative elections**

### ***National Assembly***

On 23 July, in what the EU-EOM described as a particularly calm atmosphere, the Barundi voted for the 100 deputies in the country's National Assembly. The CNDD-FDD, UPRONA and FRODEBU-Nyakuri were joined in the race by several smaller parties, namely the KAZE-FDD, FROLINA, PTD, the coalition CELAT and two independents.<sup>55</sup> The CENI announced a voter turnout of 66.68 per cent. Only the CNDD-FDD, UPRONA and FRODEBU-Nyakuri garnered more than two per cent of the votes.<sup>56</sup> Based on Article 137 of the Electoral Code, the results of the polls gave the CNDD-FDD 81 seats, UPRONA 17 and FRODEBU-Nyakuri five (including one co-opted deputy for each party). Three deputies of the Twa ethnic group were co-opted, bringing the total number of MPs to 106.<sup>57</sup>

Once again, several election observation missions were deployed, including by the African Union, East African Community and EU. One of the issues highlighted in the preliminary declaration of the EU-EOM concerned the publication of the minutes. Despite the fact that this issue had been raised during the previous polls and despite some progress, the unavailability of this document in many cases seriously affected the transparency of the process. The lack of training of party agents was also specifically mentioned this time.<sup>58</sup>

### ***Senate***

On 28 July the newly appointed communal councillors elected senators from among the candidates of the CNDD-FDD and UPRONA, despite the fact that in several communes the communal councils were not yet fully established due to the opposition's withdrawal from the process.<sup>59</sup> The CNDD-FDD won 32 seats and two were filled by UPRONA members. Half of the senators are female, while

**Table 2: Overview of results of the National Assembly elections in 2005 and 2010**

Party	2005			2010		
	% of votes	No. of seats*	% of seats	% of votes	No. of seats*	% of seats
CNDD-FDD	58.55	64	54.24	81.19	81	76.46
FNL	n/a	n/a	n/a	n/a	n/a	n/a
UPRONA	7.21	15	12.71	11.06	17	16.4
Sahwanya-FRODEBU	21.70	30	25.42	n/a	n/a	n/a
MSD	n/a	n/a	n/a	n/a	n/a	n/a
UPD	n/a	n/a	n/a	n/a	n/a	n/a
FRODEBU-Nyakuri	n/a	n/a	n/a	5.88	5	4.72
CNDD	4.14	4	3.39	n/a	n/a	n/a
MRC	2.14	2	1.69	n/a	n/a	n/a
Twa		3			3	

Source: CENI and <http://www.eisa.org.za>

\* Includes the co-opted seats.

the ethnic balance is also 50/50 between Tutsis and Hutus.<sup>60</sup> In accordance with Article 180 of the Constitution, four former presidents and three members from the Twa ethnic group were added, bringing the total number of senators to 41.

Towards the end of August, Pie Ntavyohanyuma of the CNDD-FDD was re-elected as the president of the National Assembly. The country's former second vice-president, Gabriel Ntisezerana of the CNDD-FDD, was elected as the president of the Senate. The first vice-presidencies of both chambers were filled by CNDD-FDD members, while two UPRONA members took up the positions of second vice-presidents.<sup>61</sup>

Several days after his inauguration, President Nkurunziza announced Thérence Sinunguruza of UPRONA as the country's new first vice-president and the former president of the Senate, Gervais Rufyikiri of the CNDD-FDD, as the second vice-president.<sup>62</sup> In the evening of 29 August the new cabinet was appointed. Out of 21 ministries, 14 are headed by CNDD-FDD members, while three are headed by UPRONA members. One FRODEBU-Nyakuri member will take up the position of minister. The ministries dealing with public security, national defence and justice are headed by individuals with no official political party affiliation.<sup>63</sup>

The new cabinet consists of some new faces, but key ministers were retained, such as, among others, Edouard Nduwimana of the Ministry of the Interior, Augustin Nsanze of the Ministry of External Relations and International Cooperation, Clotilde Nizigama of the Ministry of Finance and Police Commissioner Alain Guillaume Bunyoni of the Ministry of Public Safety. The latter reappointment may have come as a surprise to some, since the national police force, which is a civilian force falling under the Ministry of Public Safety, has been the subject of concerns and criticism over the past few years.<sup>64</sup> Noteworthy also is the fact that the Ministry of National Defence and Veterans is headed by a newcomer, Major-General Pontien Gaciyubwenge, who will face remaining challenges related to benefits, disarmament, demobilisation and reintegration-related issues and recent desertions, among others.

Generally, the newly appointed cabinet is in line with constitutional requirements. Firstly, Article 129 of the Constitution stipulates that 60 per cent of the ministers and vice-ministers should be Hutu and 40 per cent Tutsi. As in 2005, no official list was made public giving the ethnic affiliation of the ministers,<sup>65</sup> but the government spokesperson announced that the 60/40 quota was respected.<sup>66</sup> In terms of gender, Article 129 requires 30 per cent of the posts to be filled

**Table 3: Overview of the new cabinet**

	<b>Name</b>	<b>Ministry</b>	<b>Political party affiliation</b>
1	Mr Edouard Nduwimana	Ministry of the Interior	CNDD-FDD
2	Dr Augustin Nsanze	Ministry of External Relations and International Cooperation	CNDD-FDD
3	Mrs Hafsa Mossi	Minister in the Presidency charged with East African Community Affairs	CNDD-FDD
4	Mrs Clotilde Nizigama	Ministry of Finance	CNDD-FDD
5	Mr Pierre Mupira	Ministry of Planning and Development	CNDD-FDD
6	Dr Sabine Ntakarutimana	Ministry of Public Health and the Fight Against AIDS	CNDD-FDD
7	Mr Severin Buzingo	Ministry of Primary and Secondary Education, Handicrafts, Vocational Training, and Literacy	CNDD-FDD
8	Mrs Odette Kayitesi	Ministry of Agriculture and Animal Husbandry	CNDD-FDD
9	Mr Jean Marie Nibirantije	Ministry of Water, the Environment, Territorial Administration and Urbanisation	CNDD-FDD
10	Mr Moise Bucumi	Ministry of Energy and Mines	CNDD-FDD
11	Mrs Annonciate Sendazirasa	Ministry of Civil Service, Labour and Social Security	CNDD-FDD
12	Dr Ing. Saidi Kibeya	Ministry of Transport, Public Works and Logistics	CNDD-FDD
13	Mrs Immaculee Nahayo	Ministry of National Solidarity, Human Rights and Gender	CNDD-FDD
14	Dr Jean Jacques Nyenimigabo	Ministry of Youth, Sports and Culture	CNDD-FDD
15	Dr Julien Nimubona	Ministry of Higher Education and Scientific Research	UPRONA
16	Mrs Victoire Ndikumana	Ministry of Industry, Commerce, Posts and Tourism	UPRONA
17	Mrs Concilie Nibigira	Ministry of Telecommunications, Information, Communication and Relations with Parliament	UPRONA
18	Mr Jean Baptiste Gahimbare	Minister in the Presidency charged with Good Governance and Privatisation	FRODEBU-Nyakuri
19	Police Commissioner Allain Guillaume Bunyoni	Ministry of Public Security	National Police (neutral)
20	Mrs Ancilla Ntakaburimvo	Ministry of Justice and Keeper of the Seals	Neutral
21	Major-General Pontien Gacyubwenge	Ministry of National Defence and Veterans	National Army (neutral)

Source: <http://www.arib.info>

by women. With nine female ministers out of a total of 21 (43 per cent), the new cabinet comfortably meets this requirement. Article 129 further states that members of the government should come from different political parties that have garnered more than five per cent of the votes and who wish to be part of the government. A party has the right to a percentage of the total number of



ministries equal to the percentage of the total number of seats it gained in the National Assembly. Based on the results of the elections for the National Assembly, the CNDD-FDD had the right to 16 ministries, UPRONA to three and FRODEBU one. Furthermore, it is important to note that the Constitution does not allow members of the defence and security forces to be members of a political party.<sup>67</sup> In light of this, for the purposes of dividing up the various portfolios, ideally a total number of 18 ministries is used (also excluding the Ministry of Justice), which would give the CNDD-FDD 14 posts and UPRONA three, with the remaining ministry going to FRODEBU-Nyakuri.

### **Rejection of results and boycott**

Given the fact that participation and political activism are at the heart of any democratic process, the course of action taken by the opposition and its consequences warrant a discussion on the factors that may have influenced the opposition's decision-making processes.

### ***Perceived unfairness and restrictions on election-related activities in the communal poll aftermath***

A perception that the pre-electoral period was characterised by a biased playing field clearly prevailed among several opposition parties. The fact that election day experienced several challenges and irregularities would have contributed to a view among the opposition that its members did not have a fair chance, despite positive assessments by both local and international observation missions, which emphasised certain irregularities, but nothing at a scale to distort the overall outcome of the poll. When it then emerged fairly soon after the publication of its preliminary declaration that the EU-EOM had been requested to word certain issues differently and not be too critical of the challenges during the first poll,<sup>68</sup> the overall positive assessments of the polls were likely discredited completely in the eyes of the opposition. Lastly, the restrictions on the activities of the opposition in the aftermath of the communal poll and the arrests of numerous opposition party members resulted in a complete loss of faith in the electoral process.

### ***Unrealistic expectations***

It could be argued that the more than 30 per cent of the total vote that the opposition parties collectively garnered was quite commendable. However, the opposition appears to have felt that even with over 30 per cent it would not have had any influence. The arguably sometimes uncompromising way in which the CNDD-FDD had governed Burundi over the past five years is often cited as an explanation for this.

However, an additional explanation could be that the opposition parties simply had greater expectations of their performance at the ballot box. These high expectations were not necessarily based on pre-election surveys, like in some countries, but rather on random estimates based on little or no evidence.<sup>69</sup> In the case of the FNL, its expectations may have been further fuelled by certain members of the international community, who used the pretext of the FNL standing a serious chance against the CNDD-FDD should it give up arms as a carrot to bring the FNL into the peace process. The fact that the FNL took over from FRODEBU as the second-largest party confirmed these estimations, although likely not to the degree expected.

Many also appear to have underestimated the rural/urban divide and the fact that sentiments in the capital are in no way reflective of the broader national mood, which must be inclusive of the rural areas. Since Burundi is one of the least urbanised countries in the world,<sup>70</sup> the importance of the rural electorate is something that the ruling party has been very much aware of since it came to power in 2005 and was able to put this to good use as part of its campaign machinery. Lastly, the fact that the ruling party has been tried and tested in the past five years may not have resulted only in disappointment among the

electorate. Its policies of free primary education, free health care for children under five and improved security, among other things, would have certainly impressed significant numbers of the electorate.

### ***Weak political parties***

Many countries in Africa suffer from weak political parties, and Burundi appears to be no exception. Further delving into the rationale behind the boycott arguably provides support for such a claim. For instance, most political parties appeared not to have prepared themselves for a possible defeat and were genuinely caught off guard by the provisional results.<sup>71</sup> Their rather haphazard decision to reject the provisional results<sup>72</sup> is unlikely to have been based on extensive consultations within democratically appointed decision-making structures. The fact that in the weeks following the poll there were reports of certain political parties' members being willing to take up their seats in communal councils despite their parties' decision to withdraw from the process<sup>73</sup> arguably illustrates that consultations were undertaken on a fairly limited scale, if at all.

Another challenge pointing to the weakness of political parties relates to the party agents deployed at voting stations. One concern relates to reports that party agents were not taken care of by the CENI as required in Article 43 of the Electoral Code and many left the polling station before counting had been finalised due to fatigue and hunger.<sup>74</sup> While this cannot be entirely attributed to the weakness of political parties, the fact that many of the agents generally lacked a proper understanding of their role does fall under the responsibility of political parties.<sup>75</sup> Thus, although generally the presence of party agents at polling stations is meant to provide confidence in and a certain level of oversight over the electoral process, in many instances it may have led to further confusion.

Lack of financial means appears to have played another role for some parties in deciding to boycott the remaining polls.<sup>76</sup>

### ***ADC: composition and leading personalities***

According to some observers, the composition of the ADC and the personalities of those who took the lead in the coalition could further explain the course of action taken by this political formation. For instance, because he enjoyed parliamentary immunity, the members of the ADC appointed Léonard Nyangoma of the CNDD as the coalition's spokesperson.<sup>77</sup> Nyangoma is a seasoned politician, but arguably had 'nothing to lose', given the result of his party during the communal poll, which was below two per cent. Furthermore, Nyangoma, unlike the leaders of UPRONA and FRODEBU, had objected to the nominations for the members of the CENI<sup>78</sup> and continued to raise fundamental issues related to the elections until just days before the first poll.<sup>79</sup> All this may have led to a more antagonistic stance on his part, which in turn may have discouraged certain actors in the opposing camp from genuinely looking into concerns.<sup>80</sup> Furthermore, the use of provocative language, such as the genocide accusations, and the threat to take up arms by another opposition leader did not assist the process.

Another important issue to bear in mind is that the opposition parties commenced their protest with extremely high demands, which could be explained by the factors mentioned above. However, as the days passed and observer missions released their positive assessments, it arguably became extremely difficult for members of the opposition to take a step back from their demands without 'losing face'.

### ***Large presence of international observers***

Lastly, the large presence of international observers may have further emboldened the opposition to reject the results outright, as it probably counted on strong support from various international actors, many of whom had criticised the ruling party during the past five years. When it became clear that its demands would not be met and that the international community would actually endorse the electoral

process and its outcome, the opposition may have felt that its participation would have only furthered the appearance of democratic legitimacy and therefore decided on a boycott.

### **Reactions and efforts by local and international actors**

The previous section explained some of the factors that may have played a role in the decision-making process of the various opposition parties. However, the responses to the opposition's stance and the efforts undertaken to resolve the impasse also require scrutiny, especially in light of the fact that the opposition's stance appears to have hardened as time went by.

Immediately after the opposition parties declared their rejection of the provisional results, various members of the international community started to engage key figures among the opposition to better understand their concerns and discuss a way forward. However, as soon as the positive assessments were released by the various observer missions, the opposition's concerns lost a certain degree of credibility. Set on ensuring that the process moved forward, certain members of the international community may have antagonised opposition parties by appearing to be belittling their concerns.<sup>81</sup>

The manner in which the CENI – which in the pre-electoral period was often referred to as a stabilising factor – responded to the concerns of the opposition is noteworthy. For instance, the president of the CENI may have arguably further antagonised the opposition by sometimes elaborating on issues that were beyond the technicalities related to the opposition's concerns.<sup>82</sup> Although the president was soon advised to take a different and more considerate approach towards the opposition,<sup>83</sup> his initial approach appears to have damaged the opposition's confidence in the electoral body.

Furthermore, it is important to mention that the CENI noted certain challenges related to the communal poll, such as the positioning of the voting booths. The electoral body guaranteed that these issues would be resolved for the next poll. While this was positive, the fact that it is unclear how the Commissions Electorales Provinciales Indépendantes (Provincial Independent Electoral Commissions, or CEPI)<sup>84</sup> investigated the various appeals submitted by the opposition was not helpful. It was simply noted that insufficient proof had accompanied the complaints<sup>85</sup> or that the reported irregularities did not occur on a scale to have affected the final outcome of the poll.<sup>86</sup> In addition, as noted by the head of the EU-EOM, 'the publication of the minutes could have convinced people that the electoral body was working according to the country's legislation, international standards and good practice'.<sup>87</sup>

Lastly, the prevailing political situation seemed to have not provided a conducive environment for any success in breaking the impasse. For instance, one initiative was held on 8 June by COSOME and the National Council of the Bashingantahe,<sup>88</sup> which did not lead to any positive outcomes because certain stakeholders were set on keeping the process moving, which resulted in too little time to look into alternative options for a way forward.<sup>89</sup> Another initiative towards mid-June seemed promising, but nevertheless also failed, since rumours of Agathon Rwasa's imminent arrest, among ongoing arrests of opposition party members, did not provide the required confidence in the process on the part of key actors.<sup>90</sup>

In summary, notwithstanding the aforementioned challenges related to the stance of the opposition, it appears that an opportunity was missed to constructively engage the ADC and convince it to return to the process. An election boycott, although not uncommon, was arguably the most extreme decision to make under the circumstances, especially in light of the fact that the opposition had other options, such as boycotting the presidential poll only and forming a coalition to contest the legislative poll.<sup>91</sup> The fact that it had publicly voiced its concerns, some of which would be easily addressed, and that numerous observer missions had indicated an increase in the number of observers for future polls should

have had an influence on the opposition's decision. However, the feeling that its concerns were not adequately addressed and the fact that the international community was no longer perceived as a guarantor of a free and fair electoral process would have completely antagonised the opposition and led to its total loss of faith in that process.

### **Dealing with the 'faults' of the electoral process**

Although Burundi has successfully implemented the results of the electoral process, it will remain a challenge that numerous political parties, which collectively garnered more than 30 per cent of the votes in the communal elections, are not represented in the country's institutions of governance. Because these parties remained outside the process, the credibility of the opposition in parliament has been adversely affected, while there is a large extra-parliamentary opposition with an unclear future and arguably limited options to engage the new administration.

Furthermore, it is safe to say that because of the boycott, the CNDD-FDD dominates the new Burundi government and has a comfortable two-thirds majority in parliament, which essentially limits the need for the party to take a consultative approach in governing the country.<sup>92</sup> In addition, Article 300 of the Constitution stipulates that drafts or proposed amendments of the Constitution need to be adopted by four-fifths of the members of the National Assembly and two-thirds of the members of the Senate. With 81 seats in the National Assembly, the CNDD-FDD is four seats short of the required 85 to make constitutional amendments. However, given the fact that FRODEBU-Nyakuri (with five seats) is known to be close to the ruling party, it is not improbable that the two parties may decide to initiate a process of changing one or more articles of the Constitution. In the Senate, the CNDD-FDD has four more seats than the required 28 votes to amend the Constitution. Lastly, and not related to the boycott, the fact that President Nkurunziza has been elected directly by the people has been cited as increasing his legitimacy. In the context of existing power dynamics within the CNDD-FDD, the direct election would more than likely bolster the political standing and position of the incumbent president.<sup>93</sup>

Nevertheless, because of the generally positive assessment of the elections by national and international observers, the CNDD-FDD-led government carries sufficient legitimacy, both domestically and internationally, to enable it to, among other things, engage donors and proceed with programmes for the development of the country.<sup>94</sup> Looking to the near future, much will depend on how the ruling party manages its victory. In his speech of 2 September 2010 President Nkurunziza noted that those who did not continue with the electoral competition would still be consulted.<sup>95</sup> Indeed, in the context of the history of Burundi, it will be pertinent for the president to rise above political party differences by making himself available for engagement with those actors who genuinely wish to contribute to the consolidation of peace and democracy in the country. Most importantly, allowing political parties and other actors the space provided for by Burundian law and international human rights instruments will be critical for dealing with the prevailing apprehension among certain parts of the population.

### **Future of the ADC**

Several opposition parties remain organised through the coalition formed not long after the communal election, the ADC. It should be noted, however, that the involvement of arguably its most important member, the FNL, became unclear following a split in the party. At the beginning of August, the Government of Burundi recognised Emmanuel Miburo as the party's new leader,<sup>96</sup> who indicated that the FNL would no longer be part of the ADC, while the ADC still claims the FNL of Rwaswa as its member. RADEBU and PPDRR have left the ADC, the former citing the refusal to dialogue by some in the ADC and the need to move on and organise itself differently as the main reasons for its withdrawal.<sup>97</sup>

The course of action that the opposition decides to take to address its concerns is an important determining factor for the future. At the beginning of September, the ADC called for dialogue with President Nkurunziza, while for the first time, the group recognised Nkurunziza as the country's president. The ADC indicated that the suggested dialogue would aim to resolve issues related to the ongoing insecurity in the country, the release of political prisoners and the creation of conditions conducive to the return of certain exiled political actors to the country.<sup>98</sup> This is an important breakthrough and if indeed a constructive dialogue is entered into, the security situation in Burundi could improve significantly, as well as the space available for opposition parties to carry out their activities.

Looking to the future, this opposition grouping should concentrate its efforts on, among other things, party building, setting up effective internal structures and engaging the population on key issues. In this way, it could start to lay the ground for the next elections in 2015.

### **Security situation**

As a post-conflict country, Burundi naturally experiences several security-related challenges. The aforementioned uncertainty over the course of action to be taken by the opposition now that the electoral process is over, coupled with the usual security challenges, often triggers a discussion on the possibility of a renewed rebellion in Burundi. One cannot exclude the possibility that certain disgruntled elements among the opposition groups may indeed decide to violently express their frustrations. Some of the grievances relate to bread-and-butter issues directly, since many among the opposition would have been able to take up employment as communal councillors, but were unable to do so due to their perception of an unfair process and the subsequent boycott. Indeed, towards the end of September violent incidents had occurred that are speculated to be the work of elements of the FNL and other opposition groups, although the Burundian authorities refer to the events as the work of simple criminals. Amatora mu Mahoro has also argued that the opposition is not behind the incidents.<sup>99</sup>

It is generally well known that there will be very little popular support for renewed intensive armed opposition against the government. The challenges in Burundi today are considerably different from the circumstances in which certain parts of the population supported rebellions in the 1980s and 1990s. The population is tired of the insecurity that prevailed for a very long time in Burundi. Despite this, in light of Burundi's size and its high population density, it would not be difficult to create unrest, especially if this is then badly managed by the authorities, which would easily hinder ongoing and highly needed development efforts.

### **International actors**

The role of the international community, once referred to as Burundi's fourth ethnic group by former President Pierre Buyoya,<sup>100</sup> is likely to come under scrutiny in the future, as it came out during the elections that its members' broader behaviour, actions and pronouncements have an impact on the conduct of political parties, especially given the weak state of the opposition, and the democratisation process in general. Part of the challenge has been that many international stakeholders are in touch with civil society and other local actors, but much less with government officials. To some extent this can be explained by the weak communication strategy of the ruling party and the sometimes distrustful way in which especially Western diplomats are engaged. All this has led to various unnecessary misunderstandings and tensions over the past five years and fuelled (misplaced) hope among the opposition. It also points to missed opportunities to engage the young democracy effectively, which could have prevented many of the challenges experienced before, during and after the electoral process.

Going forward, international actors can be expected to better coordinate their – ideally less intrusive – engagement with the new administration and support the efforts of the government that they have agreed was elected democratically.

At the same time, they would also need to contribute to the strengthening of the democratic culture in Burundi and ensure sufficient space for civil society. Admittedly, the role of the international community is a rather delicate one that requires astute handling to ensure a positive rather than negative impact.

As reiterated by President Nkurunziza in his speech of 2 September 2010, for the first time in Burundi's history the country's institutions of governance have been able to complete their mandate. This is an important achievement for Burundi. However, as has been discussed, the recently completed electoral process was not without its problems. Because of this, and as recent events have demonstrated, Burundi will experience several challenges in the near future. However, although certain mistakes were made in engaging and addressing the concerns of the opposition groups, it could be argued that the country is better off now that the process has moved on and no complex negotiations and transition were initiated that could have completely derailed the democratic process.

It is nevertheless pertinent to draw lessons from the recent developments. The 2015 elections in Burundi will arguably determine how the country progresses – or not – in the following 20 years. Five years is nothing for a country like Burundi that faces tremendous challenges related to socio-economic development, the sustainable reintegration into society of former combatants and soldiers, land conflicts, employment creation, transitional justice and so on. Given the status quo, it is important that both Burundi's civil society and relevant international actors continue to engage the young democracy to consolidate the gains made thus far. In the short term it is recommended that this process should focus on:

- supporting the efforts of the democratically elected government to address Burundi's challenges;
- establishing a forum for political parties to discuss critical issues. In doing so, lessons learned from the previous attempt to establish such a forum by the UN and the Government of Burundi should be applied;
- designing a process to strengthen Burundi's electoral framework, since many issues that arose during the recent elections could have been prevented if the relevant legislation had formulated modalities on these issues in a clearer fashion. Bearing in mind the protracted negotiations on the electoral code in 2009, the revision of the legislation should focus on the most pertinent technicalities only;
- instituting capacity-building programmes for political parties in Burundi; and
- providing continuing support for the media and civil society.

#### **APPENDIX: LIST OF THE FULL NAMES OF OTHER PARTIES**

ADR	Alliance Démocratique et le Renouveau (Democratic Alliance for Revival)
CDP	Conseil des Patriotes (Council of Patriots)
CELAT	Coalition des partis politiques pour les Elections Libres Apaisées et Transparentes de 2010 (Coalition of political parties for Free and Transparent 2010 Elections)
FEDS-Sangira	Forum pour l'Equité, le Développement, la Démocratie et la Souveraineté (Forum for Equity, Development, Democracy and Sovereignty)
FROLINA	Front pour la Libération Nationale (Front for National Liberation)
KAZE-FDD	Kaze-Front pour la Défense de la Démocratie (Kaze-Front for the Defence of Democracy)
MRC	Mouvement pour la Rehabilitation du Citoyen (Movement for the Rehabilitation of Citizens)
MSD	Mouvement pour la Solidarité et la Démocratie (Movement for Solidarity and Democracy)

PARENA	Parti pour le Redressement National (Party for National Recovery)
PIT	Parti Indépendant Travailleurs (Independent Labour Party)
PPDRR	Parti pour la Paix, la Démocratie, la Reconciliation et la Reconstruction (Party for Peace, Democracy, Reconciliation and Reconstruction)
PTD	Parti des Travailleurs et de la Démocratie (Party of Workers and Democracy)
RADEBU	Rassemblement des Démocrates pour le Développement au Burundi (Assembly of Democrats for Development in Burundi)
UPD	Union pour la Paix et le Développement (Union for Peace and Development)

- 1 At the time of writing this report, Jamila El Abdellaoui was a senior researcher with the African Conflict Prevention Programme at the ISS office in Addis Ababa, Ethiopia.
- 2 For a detailed analysis of the divisions, as well as of other challenges, see International Crisis Group, Burundi: restarting political dialogue, policy briefing, *Africa Briefing*, 19 August 2008, 53, <http://www.crisisgroup.org/~media/Files/africa/central-africa/burundi/B053%20Burundi%20Restarting%20Political%20Dialogue.ashx> (accessed September 2008).
- 3 For a detailed discussion on the establishment of the CENI and the negotiations on the Electoral Code, see Jamila El Abdellaoui, Another crossroad for Burundi: from the FNL to peaceful elections in 2010, Institute for Security Studies, 19 November 2010, <http://www.issafrica.org/uploads/BURUNDI20NOV09.PDF>; and International Crisis Group, Burundi: ensuring credible elections, *Africa Report*, 12 February 2010, <http://www.crisisgroup.org/en/regions/africa/central-africa/burundi/155-africa-burundi-credible-elections.aspx>.
- 4 Personal interviews with civil society representatives and diplomats, Bujumbura, March 2010.
- 5 Personal interviews with opposition party leaders and members, Bujumbura, March 2010.
- 6 Personal interviews with diplomats and opposition party leaders and members, Bujumbura, March 2010.
- 7 It should be noted that the initial budget was significantly less at about USD 40 million. However, this budget had not taken into account several other expenses such as a possible second round of the presidential poll and security arrangements (personal interviews with the vice-president of the CENI and BINUB officials, Bujumbura, March 2010).
- 8 Personal interviews with diplomats, Bujumbura, March 2010.
- 9 Personal interviews with diplomats and civil society representatives, Bujumbura, March 2010.
- 10 UN News Centre, Despite challenges, Burundi can give lesson in democracy to others – UN envoy, 10 May 2010, <http://www.un.org/apps/news/story.asp?NewsID=34651&Cr=burundi&Cr1=#> (accessed 11 May 2010).
- 11 Personal interview with the vice-president of the CENI, Bujumbura, March 2010.
- 12 Ibid.
- 13 Personal interviews with civil society representatives and diplomats, Bujumbura, March 2010.
- 14 Unlike in 2005, when the elections were organised in the following order: communal, national assembly, senate, presidential and *collinaire*.
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- 16 EU-EOM, Déclaration préliminaire, Bujumbura, 27 May 2010, [http://www.eueom.eu/files/pressreleases/other/ue-moe-declaration-preliminaire-27052010\\_fr.pdf](http://www.eueom.eu/files/pressreleases/other/ue-moe-declaration-preliminaire-27052010_fr.pdf) (accessed 25 June 2010).
- 17 CENI, Communication de la CENI à l’issue du scrutin communal, tenu le 24 Mai 2010, 3, para. 15, 4 June 2010, [http://www.ceniburundi.bi/IMG/pdf/COMMUNIQUE\\_F.pdf](http://www.ceniburundi.bi/IMG/pdf/COMMUNIQUE_F.pdf) (accessed 14 August 2010).
- 18 For more information on Media Synergy, see Search for Common Ground, *Burundi Update*, July 2010, [http://www.sfcg.org/programmes/burundi/burundi\\_update.html](http://www.sfcg.org/programmes/burundi/burundi_update.html) (accessed 2 September 2010).
- 19 The figures were 28.25 per cent for the CNDD-FDD and 25.99 per cent for the FNL; see EU-EOM, Déclaration préliminaire, 30 June 2010, 4, [http://www.eueom.eu/files/pressreleases/english/moe-ue-burundi2010-declaration-preliminaire-presidentielles\\_fr.pdf](http://www.eueom.eu/files/pressreleases/english/moe-ue-burundi2010-declaration-preliminaire-presidentielles_fr.pdf) (accessed 5 July 2010).
- 20 CNDD, FEDS-Sangira, UPD, MSD, RADEBU, PPDRR, FNL and FRODEBU (for the full names of those parties that do not appear elsewhere, see the appendix to this report).
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- 22 ARIB (citing AFP), Burundi: le chef des FNL menace de boycotter la suite des élections, 25 May 2010, [http://www.arib.info/index.php?option=com\\_content&task=view&id=1943&Itemid=63](http://www.arib.info/index.php?option=com_content&task=view&id=1943&Itemid=63) (accessed 27 May 2010).
- 23 ARIB, Belgium Embassy in Bujumbura, communiqué de presse, 25 May 2010, <http://www.arib.info/Communique-mission-observateurs-belges-25052010.pdf> (accessed 27 May 2010).

- 24 COSOME, Déclaration préliminaire de la COSOME et EURAC sur le déroulement des élections communales au Burundi, 27 May 2010, <http://www.cosome.bi/spip.php?article385> (accessed 27 May 2010); ARIB (citing AFP), COSOME: les élections se sont déroulées dans 'le calme et la sérénité', 26 May 2010, [http://www.arib.info/index.php?option=com\\_content&task=view&id=1951&Itemid=63](http://www.arib.info/index.php?option=com_content&task=view&id=1951&Itemid=63) (accessed 27 May 2010).
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- 29 FNL, UPD, MSD, FRODEBU and CNDD.
- 30 ARIB (citing RFI), Au Burundi, cinq candidats se retirent de la présidentielle du 28 juin, 1 June 2010, [http://www.arib.info/index.php?option=com\\_content&task=view&id=1984&Itemid=63](http://www.arib.info/index.php?option=com_content&task=view&id=1984&Itemid=63) (accessed 7 June 2010).
- 31 At that time, this coalition was composed of the main opposition parties, i.e. the FNL, Sahwanya-FRODEBU, MSD, UPD and CNDD, as well as the ADR, CDP, FEDS-Sangira, PARENA, PIT, PPDRR and RADEBU. (For the full names of those parties that do not appear elsewhere, see the appendix to this report.)
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- 35 ARIB, ADC-Ikibiri: Mémoire sur les irrégularités et fraudes massives des élections communales du 24 mai 2010, June 2010, <http://www.arib.info/ADC-MEMORANDUM-Juin2010.pdf> (accessed 21 June 2010).
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- 37 Personal interviews with diplomats, Bujumbura, July 2010.
- 38 Human Rights Watch, Burundi: violence, rights violations mar elections, 1 July 2010, <http://www.hrw.org/en/news/2010/07/01/burundi-violence-rights-violations-mar-elections> (accessed 1 July 2010).
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- 40 See ARIB (citing AFP), Burundi: l'opposition interdite de réunions et meetings, 9 June 2010, [http://www.arib.info/index.php?option=com\\_content&task=view&id=2030&Itemid=63](http://www.arib.info/index.php?option=com_content&task=view&id=2030&Itemid=63) (accessed 21 June 2010).
- 41 Amatora Mu Mahoro, *Troisième rapport, 31 mai-4 juillet*, 11 and 12, [http://www.ifes.org/~media/Files/Publications/Reports/2010/amatora\\_mu\\_mahoro\\_3.pdf](http://www.ifes.org/~media/Files/Publications/Reports/2010/amatora_mu_mahoro_3.pdf) (accessed 26 July 2010).
- 42 ARIB (citing APA), Burundi: la prochaine présidentielle est 'anti-constitutionnelle' dit l'opposition, 23 June 2010, [http://www.arib.info/index.php?option=com\\_content&task=view&id=2113&Itemid=63](http://www.arib.info/index.php?option=com_content&task=view&id=2113&Itemid=63) (accessed 28 June 2010).
- 43 Alexis Sinduhije, president of the MSD, was reported to have said: 'If blood is the price to pay to defend our democracy, our liberty and our dignity, we will pay this price.' IRIN then asked if this meant he was prepared 'to fight, to take up arms', to which Sinduhije responded: 'It cannot be ruled out. If it is the only way, we will take it'; see IRIN, Burundi: Opposition parties now boycott all polls/CORRECTION\*, 25 June 2010, <http://www.irinnews.org/Report.aspx?ReportID=89625> (accessed 10 September 2010).
- 44 ARIB (citing RFI), Où est donc passé Agathon Rwasa?, 24 June 2010, [http://www.arib.info/index.php?option=com\\_content&task=view&id=2123&Itemid=63](http://www.arib.info/index.php?option=com_content&task=view&id=2123&Itemid=63) (accessed 28 June 2010).
- 45 ARIB, ADC-Ikibiri: lettre ouverte à son excellence le président de la République du Burundi, 22 June 2010, <http://www.arib.info/ADC-Lettre-ouverte-Nkurunziza-22062010.pdf> (accessed 28 June 2010).
- 46 EU-EOM, Déclaration préliminaire, 30 June 2010, 5.
- 47 ARIB, Présidentielle: les Burundais on voté dans le calme, 28 June 2010, [http://www.arib.info/index.php?option=com\\_content&task=view&id=2165&Itemid=63](http://www.arib.info/index.php?option=com_content&task=view&id=2165&Itemid=63) (accessed 29 June 2010).
- 48 Electoral Institute for the Sustainability of Democracy in Africa, 2010 provisional presidential election results, <http://www.eisa.org.za/WEP/bur2010results2.htm> (accessed 21 June 2010).
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58 EU-EOM, Déclaration Préliminaire, 25 July 2010, [http://www.eueom.eu/files/dmfile/declaration-preliminaire-25072010\\_fr.pdf](http://www.eueom.eu/files/dmfile/declaration-preliminaire-25072010_fr.pdf) (accessed 12 August 2010).

59 See, for instance, ARIB (citing Xinhua), Echec de la mise en place des organes communaux dans certaines provinces, 9 July 2010, [http://www.arib.info/index.php?option=com\\_content&task=view&id=2229&Itemid=63](http://www.arib.info/index.php?option=com_content&task=view&id=2229&Itemid=63) (accessed 14 July 2010).

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61 ARIB (citing AFP), Burundi: les présidents de l'Assemblée et du Sénat élus à l'unanimité, 21 August 2010, [http://www.arib.info/index.php?option=com\\_content&task=view&id=2424&Itemid=63](http://www.arib.info/index.php?option=com_content&task=view&id=2424&Itemid=63) (accessed 23 August 2010).

62 Article 124 of the Constitution requires the vice-presidents to belong to different ethnic groups and political parties. It furthermore states that the nominations must consider the predominance of the candidates' ethnicity within their respective political parties. Hence, one of the vice-presidencies would have to be filled by a member of a predominantly Tutsi party; see Constitution of the Republic of Burundi, February 2005, <http://www.chanrobles.com/burundi1.html> (accessed 2 August 2010).

63 ARIB, Composition du nouveau gouvernement du Burundi, 30 August 2010, [http://www.arib.info/index.php?option=com\\_content&task=view&id=2465&Itemid=63](http://www.arib.info/index.php?option=com_content&task=view&id=2465&Itemid=63) (accessed 3 September 2010).

64 For more information on the national police force, see Human Rights Watch, 'Every morning they beat me' – police abuses in Burundi, April 2008, <http://www.hrw.org/en/reports/2008/04/29/every-morning-they-beat-me-0> and Willy Nindorera, Security sector reform in Burundi: issues and challenges for improving civilian protection, July 2007, [http://www.nsi-ins.ca/english/pdf/CENAP\\_NSI\\_SSR\\_Burundi.pdf](http://www.nsi-ins.ca/english/pdf/CENAP_NSI_SSR_Burundi.pdf).

65 See Filip Reyntjens, Briefing: Burundi: a peaceful transition after a decade of war? *African Affairs* 105(418), (December 2005), 117–135, 129.

66 BINUB, Burundi president names government, 30 August 2010, [http://binub.turretdev.com/en/index.php?option=com\\_content&task=view&id=442&Itemid=1](http://binub.turretdev.com/en/index.php?option=com_content&task=view&id=442&Itemid=1) (accessed 3 September 2010).

67 See Article 244 (d) of the Constitution.

68 Personal interviews with a diplomat and a member of the EU-EOM, Bujumbura, July 2010.

69 Personal interviews with diplomats and opposition party members, Bujumbura, July 2010.

70 Nigel Watts, *Burundi: biography of a small African country*, London: Hurst, 2009, 173.

71 Personal interviews with opposition party members and diplomats, Bujumbura, July 2010.

72 According to one observer, the FNL's Agathon Rwasa indicated his rejection of the provisional results announced thus far before the end of the morning of 25 May 2010 (personal interview with an anonymous participant, Bujumbura, July 2010).

73 Briefing by the CENI, Bujumbura, 22 July 2010 and personal interviews with diplomats, Bujumbura, July 2010.

74 Personal interviews with opposition party members and diplomats, Bujumbura, July 2010.

75 ARIB, La LDGL présente ses observations sur les communales au Burundi, 27 May 2010, [http://www.arib.info/index.php?option=com\\_content&task=view&id=1954&Itemid=90](http://www.arib.info/index.php?option=com_content&task=view&id=1954&Itemid=90) (accessed 28 May 2010). Accordingly, COSOME recommended political parties, among others, to correctly train their agents in order for them to properly fulfill their mission; see COSOME, Rapport d'observation des élections communales du 24 mai 2010, June 2010, 7, <http://www.cosome.bi/spip.php?article424> (accessed 23 July 2010).

76 For instance, although the various parties had submitted their candidate for the presidential election, they reportedly had not yet paid the approximately USD 12 000 required (Article 104 of the Electoral Code [Loi N° 1/22 du 18 septembre 2009]). According to one observer, at least one party acknowledged that even if it had reached an agreement internally to rejoin the process, it would not have had sufficient funds to do so (personal interview with a diplomat, Bujumbura, July 2010). Regarding the financing of political parties in general, it is important to note that Article 20 of the Burundian Law on Political Parties (Loi N° 1/006 du 26 juin 2003) states that the state does not finance the functioning of political parties, but financially contributes to the electoral campaigns for the presidential, legislative and communal polls with such means

as it determines. However, it was explained to the EU-EOM that funds for this purpose were not allocated in the 2010 budget; see EU-EOM, Déclaration préliminaire, 27 May 2010, 8. See also Articles 83 and 84 of the Constitution.

- 77 Personal interview with opposition party member, Bujumbura, July 2010.
- 78 International Crisis Group, Burundi: ensuring credible elections, 2 and 3.
- 79 ARIB, Nyangoma exprime sa vive inquiétude sur la tournure du processus électoral, 21 May 2010, [http://www.arib.info/index.php?option=com\\_content&task=view&id=1916&Itemid=63](http://www.arib.info/index.php?option=com_content&task=view&id=1916&Itemid=63) (accessed 28 May 2010).
- 80 Personal interviews with diplomats, Bujumbura, July 2010.
- 81 Personal interviews with diplomats, Bujumbura, July 2010.
- 82 Personal interviews with civil society representatives and diplomats, Bujumbura, July 2010.
- 83 Personal interviews with diplomats, Bujumbura, July 2010.
- 84 As per Article 75 of the Electoral Code, appeals related to the communal election are to be addressed to the CEPI.
- 85 See Amatora Mu Mahoro, *Deuxième rapport, 26 avril–30 mai 2010*, 3, [http://www.ifes.org/Content/Publications/Reports/2010/~~/media/Files/Publications/Reports/2010/amatora\\_mu\\_mahoro\\_2.pdf](http://www.ifes.org/Content/Publications/Reports/2010/~~/media/Files/Publications/Reports/2010/amatora_mu_mahoro_2.pdf) (accessed 26 June 2010).
- 86 Human Rights Watch, Burundi: violence, rights violations mar elections.
- 87 IRIN, Burundi: Opposition parties now boycott all polls/CORRECTION\*, 25 June 2010.
- 88 Amatoro Mu Mahoro, *Deuxième rapport, 26 avril–30 mai 2010*, 3.
- 89 Personal interview with the president of COSOME, Bujumbura, July 2010.
- 90 Personal interview with a diplomat, Bujumbura, July 2010.
- 91 As per Article 81 of the Constitution and Article 8 of the Law on Political Parties.
- 92 See Articles 175 and 186 of the Constitution. This means that in the National Assembly the passing of organic laws requires at least 54 votes. In the Senate the same rule applies, bringing the minimum required number of votes to 22.
- 93 It should be noted that being elected directly does not increase the powers of the president. The only change in the Constitution concerns Article 302, which states that the president elected for the first post-transitional period may not dissolve parliament.
- 94 For instance, on 13 September it was reported that the US government had pledged to double its aid to Burundi; see ARIB (citing PANA), Les Etats-Unis vont doubler leur aide financière au Burundi, 13 September 2010, [http://www.arib.info/index.php?option=com\\_content&task=view&id=2513&Itemid=69](http://www.arib.info/index.php?option=com_content&task=view&id=2513&Itemid=69) (accessed 17 September 2010). More recently, the World Bank released an amount of USD 43 million to assist socio-economic development projects in Burundi; see ARIB (citing PANA), 43 million de dollars de la Banque mondiale au Burundi, 25 September 2010, [http://www.arib.info/index.php?option=com\\_content&task=view&id=2574&Itemid=64](http://www.arib.info/index.php?option=com_content&task=view&id=2574&Itemid=64) (accessed 28 September 2010).
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- 96 ARIB (citing AFP), Burundi: le pouvoir entérine la 'destitution' du leader des FNL, 5 August 2010, [http://www.arib.info/index.php?option=com\\_content&task=view&id=2355&Itemid=63](http://www.arib.info/index.php?option=com_content&task=view&id=2355&Itemid=63) (accessed 18 August 2010).
- 97 ARIB (citing Xinhua), Burundi: le parti RADEBU se retire de l'alliance des partis de l'opposition, 10 August 2010, [http://www.arib.info/index.php?option=com\\_content&task=view&id=2376&Itemid=63](http://www.arib.info/index.php?option=com_content&task=view&id=2376&Itemid=63) (accessed 18 August 2010).
- 98 ARIB (citing AFP), Burundi: l'opposition appelle le président Nkurunziza au dialogue, 2 September 2010, [http://www.arib.info/index.php?option=com\\_content&task=view&id=2483&Itemid=63](http://www.arib.info/index.php?option=com_content&task=view&id=2483&Itemid=63) (accessed 3 September 2010).
- 99 See ARIB, Burundi: la société civile décharge l'opposition dans la vague d'attaques, 3 October 2010, [http://www.arib.info/index.php?option=com\\_content&task=view&id=2610&Itemid=76](http://www.arib.info/index.php?option=com_content&task=view&id=2610&Itemid=76) (accessed 6 October 2010).
- 100 Herménégilde Niyonzima, quoted in Patricia O. Daley, *Gender and genocide in Burundi: the search for spaces of peace in the Great Lakes region*, Oxford: James Currey, 2007, 87.