



Facing 2015:

Anxieties over Elections, Stability and
Democratisation in Burundi

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&

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ABBREVIATIONS

ABASA – *Alliance Burundo-Africaine pour le Salut*

ADC – *Alliance of Democrats for Change in Burundi*

ANADDE – *Alliance Nationale pour le Droit et le Développement*

AV-INTWARI – *Alliance des Vaillants ARRF – African Research & Resource Forum*

CNDD-FDD – *Conseil National Pour la Défense de la Démocratie–Forces pour la Défense de la Démocratie*

CNDD – *Conseil National pour la Défense de la Démocratie*

CSO – *Civil Society Organisation*

COSOME – *Civil Society Coalition for Election Monitoring*

EAC – *East African Community*

FRODEBU – *Front pour la Démocratie au Burundi*

FROLINA – *Front pour la Libération Nationale*

HRW – *Human Rights Watch*

SNR – *National Intelligence Service*

NGO – *Non-governmental Organisation*

NRM/A – *National Resistance Movement/Army (Uganda)*

PALIPEHUTU – *Parti pour la Libération du Peuple Hutu*

PARENA – *Parti pour le Redressement National*

PIT – *Parti Indépendant des Travailleurs*

PL – *Parti Libéral*

PP – *Parti du Peuple*

PRP – *Parti pour la Réconciliation du Peuple*

PSD – *Parti Social-Démocrate*

RADDES – *Ralliement pour la Démocratie et le Développement Economique et Social*

RPB – *Rassemblement du Peuple Burundais*

UPRONA – *Union pour le Progrès National*

RPA – *Rwandan Patriotic Army*

ABSTRACT

The organisation of free and fair elections is generally seen as a key to any country's political transition process. Elections are often seen as conferring legitimacy on the state and those exercising political power, but they are also seen as a moment of accountability of elected leaders and political participation of citizens. It has also become increasingly clear that, in reality, elections also entail potential risks and may induce instability. The "demonstration effect" of how the international community has handled challenging situations where elections have triggered instability on the continent potentially has an important impact on elections in Eastern African countries, which now have more or less uniform electoral cycles.

This research is part of a wider research initiative under ARRF on understanding the electoral governance deficits in Eastern Africa with a view to suggesting policy recommendations that can improve electoral governance to promote peaceful democratic transitions in the region. The project seeks to understand the peculiar conditions in each of the East African states and draws lessons for strengthening democratic governance. On its part, this research analyzed the meaning and challenges of Burundi's unique presidential, parliamentary and local elections which took place in 2010 and tried to explore the opportunities and challenges for state reconstruction in this nascent transitional state.

The study further explored what the gaps were in the conduct of Burundi's last elections and makes suggestions on how to reduce the risk factor for violent instability.

Key informant interviews were conducted with selected informants from the public, private and non-government sectors and using the snowball sampling method, a cross-section of key actors in the Burundi elections were identified and interviewed. Data triangulation involved a review of some documents gathered in the course of the interviews from the respondents, mainly analyses by NGOs and international organizations.

Some of the major findings pointed to the fact that although efforts were made to improve voter awareness and strengthen the institutional framework for the conduct of elections, the resultant boycotts by the opposition parties have left the country in a state of tension and political anxiety. Although a power-sharing agreement was eventually crafted, the dominant party CNDD-FDD, which obtained an overwhelming majority in parliament, is currently controlling all affairs of government in Burundi and further strengthening its hegemony. The danger however is that political pluralism is becoming harder to achieve as the incumbent regime is becoming more authoritarian, which might lead to renewed instability and insecurity. It is therefore necessary for the current regime to dialogue and put in place mechanisms that will allow the voices of the opposition to be heard and to participate in the affairs of the country if lasting peace is to be achieved.

1.0 INTRODUCTION

Managing transitions to democracy is always tricky, fragile and challenging. This research tried to investigate what necessary safeguards need to be put in place in order to better manage political pluralism and multiparty politics in the Great Lakes Region using Burundi as a case study. The research focused on understanding what gaps existed in the conduct of Burundi's elections in 2010 to come up with suggestions of what needs to be done to ensure a more peaceful democratic transition of this very fragile country.

It is important to note that many recent conflicts on the continent have been ignited by grievances over bad governance and exclusionary political practices. Some of these have been full-blown rebellions against central governments by secessionist movements and rebels intent on taking over the state as in the cases of Mali and the Central African Republic (CAR). The same could be said of South Sudan, despite the distinguishing factor of historical conflicts with northern neighbours, under the unified country and after separation. For the most part, flawed or failed elections have either precipitated political disputes or aggravated simmering tensions into outright bloody conflicts. In the last six years, for example, violent conflicts have ensued from the competition for political power in Ethiopia, Kenya and Zimbabwe. While the magnitude of hostilities in all cases did not rise to the level of armed conflict or civil war, invariably, many lives were lost, property destroyed, societies further polarized and democratization efforts in these countries made more problematic.

Election-related disputes undoubtedly raise special challenges like how to revive political will and recreate neutral space for citizen participation and confidence in various aspects of the country's governance process.

For most of the countries in the Great Lakes Region, the current governments in power initially captured state power by force. This is true for Uganda, where the NRM/A captured power in January 1986 after waging a successful guerrilla war against the Obote II Government and the subsequent overthrow of Gen. Tito Okello's military junta.

In Rwanda, too, the country experienced one of the worst genocides in recent history before the current RPA party took power in 1994. The same holds true for Burundi.

Kenya's post-election violence after the presidential and parliamentary elections in 2007 almost led to the total collapse of the State, in a nation that used to be the island of stability in the region. The constitutional amendment providing for an inclusive government in Zanzibar, in which the winner and runners-up take the position of president and deputy president respectively, led to the freezing of the tensions between the mainland and island parts of Tanzania. However,

the achievement seems to have only been temporary since there are already fresh calls for the separation of Zanzibar from mainland Tanzania, under the rallying call ‘muamsho’.

This paper therefore underscores the fact that there is need to manage transitions to democracy in such a way that the necessary safeguards are put in place to guarantee accommodation of all interests and ensure stability in the region. Such safeguards as conducting nationwide civic education to build the civic competence of citizens about the workings of a multiparty system are crucial. Beyond these, inclusive governance engrained in electoral systems and public administration structures and procedures will form valuable bases for peace and stability in the region’s nascent democracies.

2.0 THE POLITICAL CONTEXT OF THE 2010 BURUNDI ELECTIONS

The Arusha Peace Accord and its import for the elections. The Arusha Agreement consists of a peace accord followed by five protocols, which form an integral part of the accord. The Agreement was signed by the then-government of Burundi, the National Assembly, 17 political parties, and armed and unarmed political groups. The peace accord brought an end to the long standing conflict between various political factions in Burundi that had been causing bloodshed through war and destruction.

The Burundian conflict was mainly ethnic animosity between a historically disadvantaged majority Hutu and the dominant minority Tutsi and the completely marginalized Twa tribe. Initially, the process was driven by the former Tanzanian President Mwalimu Julius Nyerere, until his death in 1999, leading to the process being managed by the former South African President Nelson Mandela. Other key players in the peace process have been current South African President Jacob Zuma and the Ugandan President Yoweri Museveni (Arusha Peace and Reconciliation Agreement for Burundi, 2000).

Following the Arusha Peace Accord, an additional three ceasefire agreements were signed with various armed rebel groups in Dar es Salaam, Tanzania: On 7 October 2002, a ceasefire agreement was signed between the transitional government of Burundi and Jean Bosco's National Council for the Defence of Democracy – Forces for the Defense of Democracy (CNDD-FDD), now the Kaze-FDD, and Alain Mugabarabona's Forces for National Liberation (FNL), now the FNL-ICANZO. The second agreement signed was between the transitional government of Burundi and Pierre Nkurunziza's CNDD-FDD party on 16 November 2003. The last agreement was signed on 7 September 2006 between the current government of Burundi and with Agathon Rwaswa's FNL party (Hatungimana, et al, 2009).

All the peace agreements signed since 2000, including the Arusha Agreement, have attempted to address the root causes of the Burundi conflict by focusing on issues related to democracy (power-sharing), governance and security (reform and integration).

However, the Arusha process was one of the most comprehensive attempts to bring about peace in Burundi, with international support from the EU and other western countries, though the process was mainly led by Africans, as earlier stated.

Unlike previous earlier efforts, the Arusha Accord resulted from discussions not only involving politics but it took an all-encompassing and inclusive approach where five committees were formed to look at various aspects of the conflict, including security arrangements, and international/regional guarantees of the Agreement (Curtis, 2003).

One of the most important political and electoral impacts of the pact was that the Arusha Agreement stipulated that the President of the Republic shall be assisted by two vice-presidents, belonging to different ethnic groups and different political parties. This is confirmed and further refined in the Constitution. When appointing the vice-presidents, attention must be paid to the dominant ethnic composition of their political party. This was inserted into the Constitution in order to avoid that a Tutsi and a Hutu vice-president be chosen from two different, but both predominantly Hutu, parties.

These aspects contributed to a relatively stable environment in which the population felt free to vote in a democracy. It is also worth noting that in trying to deal with issues related to elections, a forum for political parties/movements was established where contesting parties could discuss and agree on issues before and after elections. There have been some positive outcomes resulting from the Arusha Peace Accord. The Agreement recognized the legitimacy of ethnic identification and ethnic exclusion and also a transitional political system that would lead to democratic elections and participation by all parties, especially those who had signed the peace accord.

One of the most important outcomes of the accord was the transformation of rebel movements into political parties, and their integration into transitional government institutions of Burundi.

One of the challenging impacts of the Arusha Accord is that the political actors in Burundi have major difficulties in “reconciling” power-sharing with democratic elections. For some, power-sharing seriously distorts the outcome of elections and is therefore undemocratic. For others, power-sharing is just a temporary, transitory arrangement, paving the way towards elections but without durable impact after them. Yet others view power-sharing as an indispensable stabilizing element that reduces the stakes involved in the elections for the neo-patrimonial elites competing for the limited pieces of the national cake. There is probably some truth in all of these views. The latter view in particular reveals the essential challenge for power-sharing in complex post-conflict settings like the one of Burundi (See Vandeginste, Stef, 2009).

3.0 BURUNDI IN JANUARY 2011 – A SITUATION ANALYSIS

Feelings of fear, tension, uncertainty and insecurity were palpable in the streets of Bujumbura at the beginning of the year (2011) when we conducted field work for this research. A significant Army presence was noticed on the streets and in some areas of the city.

Some locals in the capital expressed fears about the future. As one respondent pointed out, “We live in constant fear of an imminent attack from the ‘rebels’. There have been increased killings lately in the province of Bujumbura Rural, which the government chooses to dismiss as acts of banditry, but we think the rebels have regrouped and are slowly launching a comeback” .

It was reported that criminality had escalated and this largely happened immediately after the election period. Presidents of the main opposition parties were out of the country, presumably in exile. They included: Agathon Rwaswa (FNL, Tusi), Alex Sinduhije (MSD, Tusi) and Leonard Nyangoma (CNDD, Hutu). The only female presidential elections candidate, Pascaline Kampayano (UPD, Hutu), was also in exile and the opposition was apparently witch-hunted, disorganized and demonized. This caused cracks in the opposition and weakened it. The province of “Bujumbura Rural”, which was reported to be a stronghold of the rebel group FNL, was fraught with insecurity. One of the respondents, referring to the extent of insecurity, noted that, “At night uniformed men come asking for households of ruling party supporters and when they find them they kill them”.

Killings of several dozens of people (some opposition members and security officials as well as ordinary citizens) were reported to have occurred in recent months. In June 2010, FNL leader Agathon Rwaswa went into hiding and has not been seen since. So far, the reaction by the Burundi Government has apparently not been to open dialogue with the opposition but rather react in a typically authoritarian fashion by arresting opposition supporters and imposing restrictions on political meetings and intimidating civil society and activists. Government officials refused to grant us an audience for interview when conducting this research, which arguably masks the tensions and suspicions prevailing in the country and makes contemplating Burundi’s future a daunting task indeed.

This leads one to ask if the 2010 elections were indeed free and fair and if Burundi has indeed taken a step backwards in its democratic transition process? While there was some level of competition during the electoral process in Burundi, to some extent (as will be explained in the following sections), the systematic alienation of the opposition during and after the elections seems to classify the current ruling CNDD-FDD party in Burundi as becoming more authoritarian. This contradicts prevailing literature on the self-reinforcing and democratizing effect of elections

(See Lindberg 2006). Although Burundi seemed to have made some progress in nurturing a competitive atmosphere for competition before the elections, the increasing hegemonic tendencies of the ruling party paint a grave picture for the future of Burundi.

Although it is obviously too early to judge, from the discussions held in January 2011, it was established that some Burundians consider the current regime to be highly corrupt, with members of the ruling party grabbing resources with impunity. There is allegedly no transparency in trade deals and several corruption scandals have riddled the government, exposing officials' greed. A cross-section of the persons interviewed felt that the country was at a crossroads and that a reversion to conflict and armed struggle could happen anytime.

4.0 ELECTIONS: NECESSARY BUT NOT SUFFICIENT FOR DEMOCRACY

While there is a general understanding that elections alone are not tantamount to promotion of democracy, there is a clear recognition that multiparty elections are a necessary pillar in democratic governance. Elections are widely applauded as an example of a seemingly successful instant democratisation (Reyntjens, 1993) wherever they are well conducted. The Universal Declaration of Human Rights provides for citizens to have the rights to elect their representatives through regular elections and countries in the Great Lakes Region adhere to the Declaration. Elections therefore serve a primordial function in every democratic society but the major challenge is that they also precipitate chaos if not well organised. This research sought to get a clearer understanding of what has or has not worked in the case of Burundi and makes suggestions for improved electoral governance in the Great Lakes Region generally.

It should be noted that, in general, because of their competitive nature, elections in fragile states generate extensive political activism and participation, and generally add stress to existing political systems and their nascent institutions, especially in a country like Burundi, which is still very much a (post)-conflict society.

Activities surrounding elections tend to bring to the fore issues such as the right of free association as citizens and candidates engage in campaign activities across the country (Backer and Kollman, 2003). There are certain conditions that need to be in place for any election to be considered free and fair. The Judiciary, for instance, needs to be independent and impartial as it often is called upon to rule on election-related grievances and needs to assure citizens that they can obtain fair and equitable recourse through non-violent means. The military needs to exercise professionalism and neutrality as well as the police and other security services. It is important that the faith of citizens in civil discourse and tolerance of diverse viewpoints is uplifted through voter awareness. Arguably, all these conditions were lacking in the context of Burundi. Conversely, poorly conducted elections exacerbate tensions and can spark conflict in transitional societies with fragile institutions and this is arguably what manifested itself in the case of Burundi.

It is important to note that elections, even when successful, cannot be considered an end in themselves. Rather, elections need to be viewed as a means to achieving the greater aspirations of good governance by citizens in any democratic society or in a democratizing environment.

Elections should be viewed as an important step in the continuum of ongoing political and social interactions among citizens and leaders in a given nation-state and cannot be treated solely as a technical exercise that takes place on Election Day (Lindberg 2006). A holistic or comprehensive

approach to elections allows political actors and various stakeholders to identify flashpoints or early warning signs for potential conflicts and address them. Let's take a closer look at what exactly happened in Burundi and what lessons can be learnt.

5.0 THE CONDUCT OF ELECTIONS IN BURUNDI: MAY-SEPTEMBER 2010

Burundi's 2010 elections were held at five different levels: communal (or municipality) elections on 24th May, Presidential elections on 28th June, National Assembly elections on 23rd July and Senate elections on 28th July, with the final hill/district elections held on 7th September 2011 (see Figure 1).

Out of the total 44 political parties registered, only 24 participated in the communal elections, with the CNDD-FDD party marking a landslide victory of 64%. Apart from CNDD-FDD, the other two parties that scored substantial votes were FNL (14%), UPRONA (6%) and FRODEBU (5%) while the rest scored below the 5% figure (see Table 1).

Table 1: Communal

Turnout Rates: 90.6%		
PARTY	% OF THE VOTES	SEATS
CNDD-FDD	64.03	1203
FNL	14.15	291
UPRONA	6.25	152
FRODEBU	5.43	123
MSD	3.75	92
UPD	2.21	32
FRODEBU NYAKURI	1.36	8
CNDD	1.25	19

Source: Helbig de Balza H, B. Ingelaere & S. Vandeginste

Table 1 gives an overview of the results obtained by the eight parties which scored above 1% in the communal elections.

There were five independent candidates in the polls, all of whom did not record noteworthy performance. Although there were a number of logistical and technical difficulties in the electoral management, national and international observer teams applauded the high voter turnout (with increased participation of women) and the absence of any major violent incidents on Election Day. The European Union observer mission declared that the elections were generally in accordance with international standards (Vandeginste, S: 2011).

However, according to the respondents we interviewed, the scores obtained by the opposition were far below what they expected and, as a result, a group of 12 opposition parties – including FNL, FRODEBU, MSD, UPD and CNDD, but not UPRONA – immediately set up an alliance called ADC, the Ikibiri (Alliance of Democrats for Change in Burundi). They denounced the election results, citing of massive election fraud by CNDD-FDD (which is currently the ruling party of President Nkurunziza) involving voter intimidation, bribery, pre-stuffed ballot boxes

and orchestrated power cuts to mention but a few. They called for international support in annulment of the communal election results and appointment of a new Electoral Commission, but their requests and complaints were not heeded and the opposition eventually decided to withdraw from the electoral process – probably based on their conviction that they had been rigged from the start and there was no level playing ground. This move however turned out to be a grave miscalculation on the part of the opposition as the election process went ahead, despite their boycott.

This electoral boycott was arguably based on strategic calculations of the coalition to re-negotiate the election results and ensure their representation within the new government, but it was obviously a complete failure. Given the recent experiences of Kenya and Zimbabwe, it can be proven that re-negotiating a bad election result is possible, but evidently, in the case of Burundi, it did not work, which is rather quite striking.

Figure 1: The Election Process in Burundi Carried Out over a Period of 5 months



The Presidential elections that followed were not devoid of controversy either. Although initially seven political parties had fielded candidates for Presidential elections, namely Pascaline Kampamyano (UPD), former interim president Domitien Ndayizeye (FRODEBU), Leonard Nyangoma (CNDD), Agathon Rwaswa (FNL), incumbent first Vice President Yves Agathon Rwaswa (UPRONA), and Alexis Sinduhije (MSD); five of the parties that had earlier formed the ADC – Ikibiri coalition withdrew their candidates. After some time, UPRONA also decided to boycott the Presidential elections to the advantage of the CNDD-FDD party. The Presidential elections were held on 28th June 2010 with an average voter turnout of 80% and the only remaining candidate, Pierre Nkurunziza, obtained over 90% of the votes cast.

Table 2: Parliamentary Elections Results, 2010

Voter Turnout: 66.68%					
PARTY	% OF THE VOTES	SEATS (after co-optation)			
		Hutu	Tutsi	Twa	Total
CNDD-FDD	81.9	54	27	0	81
UPRONA	11.06	5	12	0	17
FRODEBU	5.88	3	2	0	5
NYAKURI					
Twa				3	3
Total		62	41	3	106

Source: Helbig de Balza H, B. Ingelaere & S. Vandeginste (2011)

The Legislative elections followed and the international community tried hard to convince as many parties as possible to take part in these elections as a general boycott of the National Assembly elections by the opposition would have completely negated the pluralistic nature of the elections. The stakes were very high and the Electoral Commission was also very lenient in extending the deadline to allow additional parties to submit lists of candidates. Elections were finally held on 23rd July 2011 with the participation of CNDD-FDD, FRODEBU, UPRONA and a number of very small hitherto unknown political parties as well as independent candidates. It is no surprise that CNDD-FDD obtained an overwhelming majority in Parliament (See Table 2). What remains unclear however is why and at what point UPRONA decided to re-join the electoral process. Nevertheless, it is clear that UPRONA managed to negotiate for several of its party members to take on key positions in the current regime, including the position of first vice president. President Nkurunziza was sworn in on 28th August 2011. Evidently the whole process was flawed and the next section tries to highlight what aspects went wrong.

6.0 A CRITICAL ASSESSMENT OF THE ELECTORAL PROCESS IN BURUNDI

6.1 Institutional Framework for Managing Elections

Taking a closer look at the institutional frameworks in place in Burundi at the time that was necessary to ensure free and fair elections, one can argue that these were undoubtedly wanting as several of the laws were passed hurriedly and with pressure from the incumbent government, although in many instances the coalition partners would put up some resistance. From several respondents interviewed during our research, in the run-up to elections, CNDD-FDD repeatedly tried – rather unsuccessfully - to arrange the legal and institutional context in such a way as to make sure it could not lose elections.

A Presidential decree of December 2008 on the establishment and functioning of the Electoral Commission, for instance, arguably left little room for the Commission to work independently and put it largely under the control of the incumbent government. The list of proposed members of the Electoral Commission whom President Nkurunziza nominated in January 2009 was an indicator of his desire to fully control the electoral process, but they were vehemently rejected by CNDD-FDD's coalition partners FRODEBU and UPRONA. Eventually, however, a compromise was found on the composition, powers, functioning and independence of the Commission and one can argue that this body was fairly independent and tried to exercise professionalism in the conduct of the elections, the many challenges still notwithstanding. Another attempt by CNDD-FDD at unilaterally changing the rules of the game failed when the opposition managed to negotiate the proposed amendments of the Electoral Code.

The Electoral Commission was seen by many as both representative of the country's ethnic composition and also competent. All the five commissioners were individuals with good professional track records in government, private sector and international organizations.

But when the Commission postponed the communal elections by one day on the orders of the President, questions were raised about their independence. Elections had earlier been postponed by two days owing to logistical challenges. However, the Commission explained that Church leaders had sought the intervention of the President to ensure that a new election date did not fall on a Sunday, which was the case after the two-day postponement. That is how the President got involved in the setting of the new date.

One contentious issue was the sequencing of elections. While CNDD-FDD insisted that Presidential elections should be held first (hoping that after re-election of President Nkurunziza, his party would also win at all other levels), the opposition requested for a bottom-up approach, starting with the communal, then Legislative and finally Presidential elections. They had hoped that the

local people would vote for the opposition and change the entire landscape. The opposition felt at the time that Burundians were dissatisfied with the government's record of corruption and would vote for change, but the reverse seems to have turned out to be true. In the end, a compromise was reached after several weeks of interparty dialogue and a new Electoral Code was adopted by consensus. What happened next is history, but evidently depicts elements of manipulation of the electoral systems to suit the ruling party, which is often the case in many African states.

6.2 The Role of Civil Society

With regard to the role of civil society, suffice it to say that the sector in Burundi was and still remains active, but constrained by an insecure and intolerant government. Youth groups, religious organizations and the national umbrella body of organizations in elections monitoring are among the most active civil society actors. Civil society has had to step in and fill the vacuum of lack of political parties' opposition in Burundi today. They have also developed a code of conduct to prevent them from being biased and instead try to remain neutral. But state activities aimed at impeding civil society operations pose a major challenge to the potentially powerful sector. The arrests of human rights and anti-corruption activists as well as journalists are profiles of a highly irritable regime.

Prior to the 2010 elections however, it was largely civil society that conducted civic education, although this was not enough and too late. According to one respondent who preferred not to be named, "Civic education was not enough and the content was lacking. People were never told what to expect and demand and the trainers were not well trained. People were not voting for issues but rather personalities. There was total confusion and misrepresentation in the voting process, especially at the community level".

According to another respondent who was involved in working with the youth, "It was civil society that educated the youth in Burundi on how to avoid violence". A Youth Code of Conduct was developed in 2009 by the Coalition of Civil Societies and supported by government and this was disseminated across the country. A video showing how youth have been manipulated over time, with testimonies of the relationship between the youth and politicians, was produced and screened across the country and this helped to educate the youth to refrain from violence. The youth were also educated on how to be election monitors and be involved in the election process peacefully. This is one lesson that other countries can learn from Burundi. The youth after the communal elections were calm and not fully engaged in the boycott, which could arguably explain the limited violence thereafter.

It should be pointed out, however, that there was also increased intimidation during the run-up to the elections as human rights activists, and especially the independent media, were frequently targeted.

The expulsion in 2010 of the Human Rights Watch representative sent a strong signal to local human rights activists. The arrest in July 2010 of Net Press journalist Jean Claude on charges of defamation and treason is another example of harassment of civil society during the elections .

Before the May 2010 communal elections, the ruling party perceived civil society as highly sympathetic to the opposition, but CSOs' reaction to opposition claims of vote-rigging in communal elections contradicted government opinion over their allegiance. Refusing to join the opposition bandwagon in criticism of the ruling party and Electoral Commission, CSOs gained considerably in proving their independence and credibility.

6.3 Voter Awareness & Civic Education

Civic education only took place in the initial months running to the elections and was neither enough nor adequate. Voter education was very wanting and the thinking not deeply ingrained in the population to demand specific programmes from politicians and hold them accountable. Although the government was involved as well as several civil society organisations supported by a variety of donors, the entire civic education process was not well handled. Most trainers were not well trained and voters were mainly voting for personalities.

6.4 Loopholes Identified in the Election Process

A total of 23 political parties were reported to have participated in the communal elections but later boycotted the elections. It was highlighted that most parties didn't even have manifestos or ideologies and were largely personality-driven. According to one respondent working with Civil Society in Bujumbura; "Most parties are divided and discriminatory. Some were dominated by either Tutsi or Hutu hence their ideologies are not democratic".

Opposition parties in Burundi today are being harassed by government and all their offices are closed. The leaders were reported to be in exile and those that remained have been silenced or forced to go underground. In effect, the opposition in Burundi today is witch-hunted, disorganized and demonized and this has caused cracks within the parties. One Imam was reported to have been killed by government in January 2011, allegedly to silence the Moslem opposition . According to one respondent belonging to the CNDD party we talked to; "Even if you gather 3-5 people in one place, you will see the police turn up immediately". It was the general feeling of all persons interviewed that there is need to bring the opposition to dialogue.

With regard to Election Management, it was reported during our interviews that, generally, the preparations for elections in Burundi were not comprehensive as voting materials were not enough and did not reach the stations in time. This led to the postponement of elections in some cases. Vote buying, intimidation, putting pressure on voters and the popularity of the president are some of the strategies the incumbent government used to win elections. Below are some excerpts

of election irregularities reported during the interviews we held with some CSO representatives involved in election monitoring;

“Kibundu Commune” reported door-to-door harassment by police and ruling party operatives intimidating voters to vote for CNDD – FDD”

“Bujumbura Rural Commune’ reported voter bribing just before elections and one school was built to win support and there were threats to withdraw materials because of voting incorrectly”.

Voting materials were not enough at some stations and did not reach the polls on time. This led to the postponement of communal elections for two days, which was a major flaw in the electoral process. It was alleged that voters were highly manipulated and bribed to vote for CNDD-FDD. According to one respondent; “The majority Burundians did not know what to expect and were not well explained”.

In addition, secrecy at the polling booths was not guaranteed as the booths were open to everybody and this intimidated some voters. Other irregularities highlighted include no representation of all parties as observers at the polling stations, repeated voting due to many cards and the failure to count the votes double as stipulated in the Electoral Code.

It was also noted that most of the parties are immature, with no clear ideology and poor organizational systems. One respondent noted that whereas all the parties failed to organize themselves into one strong opposition before the elections, they however managed to organize themselves quickly after they lost, which depicted selfishness on the part of the leaders. Internal fighting and power struggles between and within the opposition parties were also noted. FRODEBU, for instance, split into two. This is evidently one major challenge across opposition parties within the region, which points to the fact that there is need to strengthen the opposition and enable them to perform effectively if democracy is to be promoted in this region.

Voter civic competence was also lacking in Burundi as most people were reported as not being aware of the differentiation between communal and presidential elections, for instance. This could also relate to the fact that the whole electoral process was a marathon, with the conduct of five elections in five months. Many voters were apparently confused.

With regard to the Electoral Commission, it was reported that although the Commission was relatively independent, it was still faced with challenges. All tallies, for instance, have never been made public and no credible reasons have ever been given. Although the selection and composition of the Electoral Commission was done by consensus and agreed upon by all parties, the ruling party evidently showed signs of not allowing it to operate independently – such as the commission announcement postponing the actual dates of elections, which, according to persons we interviewed, came about as pressure from the ruling party.

Furthermore, the Electoral Code was very confusing to voters as they were presented with too many cards and the framework for dealing with electoral offences also was not made clear. The hurried process of developing the Electoral Code compromised its quality. The Code was ready only in September 2009, yet elections were due in May 2010. There was therefore no time to debate it.

A key element in the election procedure that led to confusion among voters and which could have complicated the counting process was the requirement that ballot boxes needed to be provided and ballot papers cast both for the candidates chosen and those rejected by voters. In the end, the Commission counted only votes in support and not those against, which was against the Code. This requirement is a procedural nightmare and uniquely Burundian, at least in the region. Under this system, 46 million ballot papers had to be produced for a voter population of just 2 million people. Respondents from the opposition claimed that there were more irregularities, including multiple voting opportunities for pro-regime voters, bribery, poor care of party agents by CENI and ‘artificial’ power cuts at certain polling stations. But these are only claims as we could not verify them. The Electoral Commission contradicted some of them and provided explanations for others.

6.5 The Regional Dimension & Context

There is also the regional dimension of the elections in Burundi that needs to be considered. The regional context within which the Burundi elections were held cannot be overlooked. The heavily criticized 2007 elections in Kenya and Rwanda as well as Zimbabwe at the time lowered the standards for Burundi and arguably led the international community to hastily recognize the elections in Burundi as having been free and fair. Throughout the election marathon in Burundi, the respondents we talked to indicated that international recognition was always a factor and when the Donors pronounced themselves on the first communal elections as being fair, most average Burundians decided to support the incumbent President. These points to the wider issue of the role of the international community in Africa’s elections: Do international actors actually possess deterministic powers over election outcomes in Africa?

From our interviews with some International Partners in Burundi, the Donors (who had contributed close to 85% of the electoral budget of about US\$46.5 million) were nervous and wary of an outbreak of large-scale electoral violence as had been witnessed in Kenya and Zimbabwe. Such a scenario, with associated cross-border refugee flows and regional instability, was to be avoided at all costs and the election, though flawed in many respects, was seen as a major step towards the consolidation of the peace process in Burundi. In effect therefore, the accolade given to the conduct of elections in Burundi was a matter of avoiding costs rather than of realizing benefits.

6.6 Legitimacy of the Regime in Power

One big question that needs to be asked is how the 2010 elections relate to the supposed purpose of enhancing democratic legitimacy. Given that voting took place and a leader was chosen, can Burundi qualify to be called a transitional democracy? What, in effect, explains the high voter turnout (an estimated 80% of Burundians voted)? Most respondents we interviewed indicated that the majority of Burundians voted primarily for CNDD-FDD and one wonders what motivated them to do so. President Nkurunziza was popular among the rural population and is taken to be one of them as he spends a lot of time outside the capital, playing soccer, praying and planting trees with the average Burundian peasant. Since President Nkurunziza won an estimated 85% majority, one can argue that legitimacy does indeed go hand-in-hand with a representative leader. To other respondents interviewed however, people may have voted for the incumbent dominant party because, with the civil war still fresh in their minds, they realized that if they did otherwise, peace and security would not return to Burundi in a long time. Suffice it to note, however, that the international recognition of the communal elections could have left the voters with no free choice but to vote for the only candidate remaining. According to HRW (2010) there was a general atmosphere of intimidation and corruption during the elections and the fact that the opposition parties were harassed could have left the electorate no other choice.

Power-sharing is not a favoured option for political stabilisation in Burundi at the moment. Many respondents argued that there was no rationale for power-sharing, since the opposition did not even participate in the polls. In any case, the Arusha Accord already provided for the inclusion of all communities in government. The question of ethnic representation in government was central in the 2005 elections but not in 2010. In fact, the country's Constitution doesn't recognize opposition parties since all parties that attain a certain proportion of national support should be represented in government. In such a case, the opposition is no more than politicians who couldn't attain the threshold to join government. This also means they have only narrow support bases in the country. However, the present situation is made unique by the opposition's own choice to boycott the polls. The ruling party's interpretation of this is that the opposition already saw clear signs of an impending loss. Gender parity is also fairly considered in the current Constitution that provides for at least 30% women's representation at all governance levels.

7.0 WHAT IS BURUNDI'S FUTURE?

In summary, therefore, despite the uneven playing field and the alleged general climate of voter intimidation and election malpractices, the outcome of the 2010 Burundi elections enabled CNDD-FDD to consolidate its grip on all spheres of power.

Although the future may be difficult to predict, one thing is quite certain – that the gradual reduction of political pluralism and resultant hegemonic authoritarianism being created in Burundi with the dominance of CNDD-FDD will make it increasingly difficult for the opposition to win any election in 2015. Authoritarian consolidation through elections has been well documented in Election literature (see eg: Lindberg 2009 & Scheldler 2010), but what the elections in Burundi also seem to reveal is that a carefully designed power-sharing arrangement may offer a temporary protection against any risks towards degeneration into conflict and chaos for any developing country going through a highly contested election.

Burundi's complex system of proportionality has enabled a number of current MPs, Senators, ministers and a Vice President of the Republic to be appointed from the largely opposition UPRONA. Whether the opposition has any significance in legislative matters is another issue as CNDD-FDD has the majority representation in Parliament (i.e. the two-thirds majority needed to pass any legislation) and can easily isolate any of the opposition parties, which is rather problematic for any transitional democracy.

It is also difficult to predict what political role, if any, the political parties not represented in Parliament today in Burundi will play. In particular, the future of FNL, FRODEBU, MSD, UPD and CNDD as well as the ADC Coalition they formed remains an imponderable. Several of these parties have undoubtedly been weakened by internal dissidence as many party members have defected, while many more have been arrested. The basis of tensions in Burundi arguably is the failure of CNDD-FDD to allow opposition parties to organize freely. There is undoubtedly a looming risk of conflict. In order to gain the political power they failed to obtain through the ballot box, some of these political parties may decide to change tactics.

As recent history in Africa has revealed, the use of armed force and political violence may be a rewarding strategy when it comes to negotiating oneself back into power (Tull & Mehler, 2005). Burundi is an interesting case study in democratization processes because the current situation is characterized by: (a) a popular leader in power, enjoying support in most parts of the country, (b) no official opposition parties in Parliament, but active 'opposition' parties out of the House (c) government repression of the unofficial opposition on grounds that it represents criminal elements and political insurgency and (d) a civil society that is also sceptical of close ties with the opposition in pro-reform activities. It seems that the alliances that will bring meaningful political

change in Burundi will have to be broader than just opposition political parties. As it is now, the opposition alliance is seen as an “alliance of losers” and not a serious alternative for leadership.

Burundi arguably presents a situation of fragile stability. It is a case of a flawed power-sharing arrangement to manage and resolve ethnic conflicts which arguably freezes ethnic identity and institutionalises ethnic antagonism (Finlay 2010). The complex system of proportionality and ethnic quotas in Burundi guarantees the representation of Hutu and Tutsi as well as Twa at the national political level but what happened in the 2010 elections masked all this and it is a paradox whether ethnic tensions will not re-emerge soon as the current government can now easily amend the Constitution to remove these provisions. With the Parliament in Burundi now dominated by a single party, it is conceivable that the 2010 elections have paved way for the establishment of an authoritarian regime in Burundi with no prospects of losing any election. This makes the future of the country too ghastly to contemplate in a worst-case scenario and an imponderable at best.

It is important to note however that the Free Education and Free Health provided by government have made the President popular and this has enabled him to restore relative stability in Burundi, the tensions still notwithstanding. The Burundi case presents a situation of how a ruling party that evidently does not have issues of democratic principle and good governance on the priority agenda, has derived opposition parties the space to operate. As Vandeginste, Stef (2011) confirms, “Shortly before the publication of an Amnesty International Report in 2010 about the re-emergence of torture during interrogations by the National Intelligence Service (SNR), President Nkurunziza signed four presidential decrees awarding considerable bonuses and stipends to SNR staff”. This evidently reveals the increasing repressiveness and corrupt nature of the regime, which, arguably, finds inspiration in the highly effective repression of nascent oppositions by both governments in Uganda and Rwanda.

Viewed against the background of post-conflict elections in Africa, Burundi’s elections were not at all out of the ordinary. The multiparty competitive elections in terms of procedure satisfied the donors, thereby enhancing the government’s external legitimacy. Confirming the trend of most incumbent regimes, the ruling party still won the elections, making it even more difficult for the opposition to win at the polls in the next elections. The incumbent president enjoyed the monopoly of power and the elections centered on the “Big Man” as opposed to programmatic and ideological differences between the parties, which is the same across the region.

One of the major lessons learnt from the Burundi case is that electoral governance in Africa is evolving. Although the international community views elections as being associated with state building, democratisation and more accountable governance, the Burundi case provides a useful reminder that a less ideological and more realistic view of elections is perhaps needed in Africa. The increasing power-sharing arrangements being entered into after failed elections need to be studied more. As Reilly (2008) argues, elections can be potentially advantageous or injurious to post-conflict stability and democratisation. This calls for even more research.

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