

**BURUNDI: FROM ELECTORAL BOYCOTT
TO POLITICAL IMPASSE**

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BURUNDI: FROM ELECTORAL BOYCOTT TO POLITICAL IMPASSE

EXECUTIVE SUMMARY AND RECOMMENDATIONS

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

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

On the pretext that there had been violent incidents during the presidential elections, the security services arrested many members of the opposition in June and July 2010. To avoid arrest, the main ADC leaders left the country or went underground. After the chairman of the FNL, Agathon Rwaswa, took the latter course, the leadership of his movement was taken over by a dissident minority with the sup-

port of the authorities. There have been frequent clashes since then between the security forces and unidentified armed men in the west of the country. Even though the latter are designated as "armed bandits" by the authorities, there is no doubt about the links between them and some opposition leaders. Burundi is not near a return to full civil war, but by marginalising and repressing the opposition, the CNDD-FDD is in effect reinforcing a nascent rebellion and doing harm to democracy.

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

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

RECOMMENDATIONS

For resumption of the political dialogue

To the Government and the Opposition:

1. Reorganise in a consensual way the permanent forum of the political parties.
2. Engage in talks without delay in order to improve the political and security context, agree on a law on the status of the opposition and produce a code of conduct including the following elements:
 - a) security guarantees and political freedom for the opposition leaders;
 - b) freedom of assembly for the opposition parties; and
 - c) commitment to end the arbitrary arrests of members of the opposition and to release those illegally arrested.

To the Government:

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

To the international community:

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

For an end to the clandestine activities of the FNL

To the Government:

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

To the FNL:

7. Renounce violence publicly.

To the ecumenical conference and the countries of the Regional Initiative (Uganda, Tanzania, South Africa, Kenya, Rwanda, Congo (DRC), Ethiopia and Zambia):

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

For consolidation of democratic governance

To the Government and the Parliament:

9. Review and revise the anti-corruption law so as to extend the powers of the anti-corruption agencies; make the internal oversight bodies more autonomous; amend the composition and role of the Council for the Judiciary to strengthen its independence; and reduce the executive's control over a number of public agencies.
10. Implement the law distinguishing and governing political and technical jobs in the civil service.
11. Create a constitutional review commission including representatives of all political parties and civil society leaders.
12. Set up a truth and reconciliation commission and a special tribunal as recommended during the national consultation on transitional justice.

To civil society, the government and the international community, including in particular France, Belgium, the Netherlands, Germany, Switzerland, the African Union, the European Union, the United Nations Office in Burundi and the U.S.:

13. Define jointly and implement a democratic governance consolidation program that, in accord with the president's commitments, strengthens institutional checks and balances and supports civil society projects.

Nairobi/Brussels, 7 February 2011

BURUNDI: FROM ELECTORAL BOYCOTT TO POLITICAL IMPASSE

I. INTRODUCTION

For over a decade Burundi was the setting for a civil war with ethnic overtones. Sparked by the assassination in October 1993 of the elected Hutu president, Melchior Ndadaye, this conflict pitted the government's army against various mainly Hutu rebel movements whose principal demand was the reform of the Tutsi-dominated army considered the true axis of power in Burundi. The inter-Burundian peace negotiations begun in Arusha, Tanzania in June 1998, and led to the signing of a peace and reconciliation agreement in August 2000, which set up a power-sharing system. In November 2003, new ceasefire agreements, signed between the main rebel movement – the CNDD-FDD – and the transitional government, brought back peace to most of the territory outside the areas controlled by the FNL, the last rebel movement. The ceasefire agreements paved the way for the implementation of the reforms outlined in the Arusha Agreement.

Burundi made considerable advances towards peace consolidation thanks to the arrival in government of CNDD-FDD, a majority Hutu movement, in 2005 following elections perceived to be free and fair; the integration of all the former armed parties and political movements into the defence and security agencies; and FNL's integration into the political arena in 2009. These advances have also noticeably contributed to reducing the ethnic divide in Burundian society which today is shaken by tensions based on what are essentially political cleavages within the Hutu majority.¹

The political stalemate in which the new electoral cycle ended confirmed the change in the political configuration. Using its renewed electoral legitimacy, CNDD-FDD marginalised the opposition and at the same time resorted to authoritarian practices and subterfuge to destabilise and weaken those parties which boycotted the national elec-

tions. Faced with these manoeuvres, the main opposition figures play empty chair politics and maintain an ambiguous position on the return to violence and the legitimacy of the new party in power. Meanwhile Agathon Rwasa's FNL has gone back into hiding and is engaged in a worrying type of political banditry. The two parties are today entrenched in extreme positions which herald an extremely dangerous political deterioration in a still fragile democracy.

This latest report from Crisis Group evaluates the current political impasse. It examines the progression of the electoral crisis and the political and security consequences, before suggesting concrete actions to ensure Burundi does not backslide.

¹ See Crisis Group Africa Report N°131, *Burundi: Finalising Peace with the FNL*, 28 August 2007; Crisis Group Africa Briefing N°53, *Burundi: Restarting Political Dialogue*, 19 August 2008; Crisis Group Africa Briefing N°63, *Burundi: To Integrate the FNL Successfully*, 30 July 2009; and Crisis Group Africa Report N°155, *Burundi: Ensuring Credible Elections*, 17 February 2010.

II. AN ELECTORAL PROCESS MARRED BY A BOYCOTT

On the eve of the first elections in May 2010, the political climate was marked by a rise in tensions between the main political parties and confrontations between their youth movements. All political parties were in full electoral campaign and engaged in refining their strategies. Some also had to manage internal disagreements arising from election ambitions. Even though other groups had already designated their candidate, it was only at an extraordinary conference of the CNDD-FDD on 24 April that Nkurunziza, the incumbent head of state, was endorsed as the candidate for the presidential elections. Despite having unlimited access to state resources to use for its campaign, as the communal elections approached the ruling party appeared unsettled.² To rid itself of doubts, it saw fit to announce the creation of a coalition assembling ten political parties, although in reality only two³ figured among the 24 parties accredited for the communal elections.

In parallel, several opposition parties seemed confident of success, sometimes going so far as to adopt a triumphalist discourse. The FNL president was openly optimistic, despite being constantly worried by death threats.⁴ The Movement for Solidarity and Democracy (Mouvement pour la solidarité et la démocratie, MSD) declared that they were confident of victory.⁵ The Union for Peace and Development (Union pour la paix et le développement, UPD) believed that the sustained harassment it received was a sign of its increase in power.⁶ Other political parties were more modest and showed limited ambitions.

Even so, none of these political parties managed to rally any large proportion of public opinion around a key political issue. Some of them were not even capable of producing a manifesto. Others had only just released theirs. The discourse and electoral promises of the main opposition parties varied depending on the audience. Often they competed through their populist tone and sometimes even

² Crisis Group interviews, CNDD-FDD representatives and officials, Bujumbura, April and May 2010.

³ These two movements were the Party for Economic Independence in Burundi (Parti pour l'indépendance économique du Burundi, PIEBU) and the Kaze-FDD party, two accredited political parties. The latter was fronted by Jean-Bosco Ndayikengurukiye, one time head of the FDD (Forces de défense de la démocratie) rebel group before being ousted by Pierre Nkurunziza and forming a CNDD-FDD dissident group.

⁴ Crisis Group interviews, FNL president and vice-president, Bujumbura, March and July 2010.

⁵ Crisis Group interviews, MSD officials, Bujumbura, March and April 2010.

⁶ Crisis Group interviews, UPD officials, Bujumbura, March 2010.

contained contradictory promises. This discourse was often limited to a biting criticism of the ruling authorities. In addition, outside urban areas, the main provincial capitals and their regional strongholds, these parties are spread thinly across the rest of the country.

A. AN ELECTORAL LANDSLIDE FOR THE CNDD-FDD

Despite their local dimension, the elections for the communal councils assumed a strategic character. The Senate, a key institution in terms of government oversight, respect of the ethnic balance as stipulated by the Constitution, and the approval of nominations to the senior civil service,⁷ is elected by communal councils.⁸ In addition, the political parties were fully aware the impact the result of the communal elections would have on the other elections, particularly the presidential elections which were due immediately afterwards. Burundian electoral history has proven that the trend started in the first election is confirmed, and even amplified, during the next elections.⁹ Finally, on the ground, the communal administrator is an essential component in the control and mobilisation of people for development projects, government propaganda and security matters.¹⁰

Despite fears,¹¹ the electoral campaign for the communal elections did not dissolve into generalised violence. Registered violence remained limited and contained within certain provinces despite persistent rumours about the distribution of arms and the physical removal of opposition leaders. Even if the election campaign was peppered with a few violent and sometimes fatal incidents,¹² the campaign

⁷ Article 187 of the Constitution.

⁸ Article 180 of the Constitution.

⁹ The 1993 elections began with the presidential elections won by the candidate from the Front pour la démocratie au Burundi (FRODEBU), the main opposition party. Melchior Ndadaye obtained 64 per cent of the vote against 32 per cent for the outgoing President Pierre Buyoya, the candidate for the Union pour le progrès national (UPRONA). During the legislative elections which followed, FRODEBU amassed more than 80 per cent of the votes. In the 2005 communal elections CNDD-FDD obtained 57.3 per cent of the votes. This increased to 58.5 per cent during the legislative elections.

¹⁰ See notably Dominik Koklhagen, "La justice dans le Burundi rural: quêtes de légitimité et quêtes de droit", in S.Marysse, F.Reyntjens and S.Vandeginste (eds.), *L'Afrique des grands lacs. Annuaire 2007-2008* (Paris, 2008), pp. 93-108; and "Mob Justice in Burundi: Official Complicity and Impunity", Human Rights Watch, 26 March 2010.

¹¹ "Elections au Burundi: l'UE craint une situation de confrontation violente", Agence France-Presse, 22 April 2010.

¹² "Système de monitoring des principes démocratiques et de prévention de la violence électorale", Amatora mu Mahoro,

benefited from quality media coverage. This was thanks to all different types of media, but in particular public and private radio broadcasting stations. These radio stations gathered together their human and material resources to broadcast jointly the same news live.¹³ Of the 24 political parties who had submitted their candidacies for the communal elections, only five were in a position to have a nationwide presence and submitted lists in all of Burundi's 129 communes.¹⁴ Political mobilisation differed between parties but the electoral campaign was followed closely by the population.

The FNL attracted considerable crowds, particularly in the western region of the country, where the former rebels had been active for a long time. For its part, the CNDD-FDD also attracted large crowds accompanied by impressive vehicle processions including numerous state vehicles – an infringement of the electoral code. Furthermore, the party financed people's trips to attend its meetings.¹⁵ The new political forces, in other words the MSD and the UPD, mobilised a lot less outside of their respective strongholds. As regards the traditional political forces, the Union for National Progress (UPRONA) was unable to organise large gatherings, despite being established nationally, while the Front pour la démocratie au Burundi (FRODEBU) was no more than a shadow of Melchior Ndadaye's party. In fact outside of Kayanza, the presidential candidate's home province, public meetings were poorly attended.

All presidential candidates, including the head of state, took part in the electoral campaign for the communal elections. The electoral debate focused on national issues whilst local governance questions were generally hidden away. For example, the CNDD-FDD underlined measures for free primary school education, obstetric care and medical care for children under five, in addition to the construction of numerous schools. In a more muted approach, the CNDD-FDD also referred to the peace and security gains for the population. In messages directed at the Hutu majority, the president reminded people not to forget the situation the party had got them out of.

However, organisational issues which had punctuated the electoral process finally forced a postponement of the elec-

tions. The distribution of voter cards began late and only finished on 21 May, the day before polling day. In several registration offices, voters complained that their names did not appear on electoral lists. This and the delays and setbacks in the delivery of the voting cards, led to CENI's acceptance on 20 May to allow receipts to be used to vote. But on the same day, the electoral commission announced a postponement of the communal elections to Sunday 23 May citing logistical problems such as the absence of some political party ballots in several electoral districts. On Saturday 22 May, the president signed a decree calling the elections for 24 May. This unforeseen delay was largely welcomed by political parties who praised CENI's wisdom and courage, apart from the FNL and CNDD who suspected some manipulation behind the postponement.¹⁶

The vote went ahead on 24 May without any major hold-ups and with a strong popular turnout, especially amongst women. Some polling stations which had not received enough ballots experienced some difficulties but CENI managed to handle the situation. It organised the transport of the missing ballots and authorised an extension of the voting process. CENI's president regularly gave direct instructions through the media to resolve those problems signalled during the vote. Throughout polling day, no serious anomaly in voting procedures was signalled either by the media or the political parties.

On the evening of the communal elections, before the announcement by CENI of the provisional results, the political party representatives present at the vote count circulated the trends. They were unequivocally in favour of the CNDD-FDD. On 25 May, the local media, quoting the figures provided by the commune commissions, confirming the information from the previous evening. The provisional results announced by CENI on 27 May gave 64.03 per cent of the votes to the CNDD-FDD. They were followed by the FNL with 14.14 per cent of the votes cast, whilst the other political parties were considerably further away: UPRONA, FRODEBU, MSD and UPD gained 6.25, 5.43, 3.75 and 2.21 per cent of the votes respectively.¹⁷ These figures were then endorsed by the Constitutional Court.

B. ELECTORAL CRISIS

As of 25 May, the day after the communal elections, the opposition reacted to the proclaimed victory of the CNDD-

second report, 26 April–30 May 2010, www.burundi.ushaidi.com

¹³ This initiative was successfully trialled during the 2005 elections and repeated in 2010 with financial support from Burundi's international partners. See Marie-Soleil Frère, "Burundi: synergie éditoriale", *Elections et medias en Afrique Centrale: voix des urnes, voix de la paix* (Paris 2009), pp. 255-257.

¹⁴ CNDD-FDD, FNL, FRODEBU, UPD and UPRONA.

¹⁵ Bike and motorbike-taxis were paid to participate in the CNDD-FDD meetings. Crisis Group interviews, bike and motorbike-taxi drivers, Bujumbura, May 2010.

¹⁶ "Suspicion d'une manœuvre de fraude électorale en amont", Agence France-Presse, 21 May 2010; "Déclaration du parti CNDD à propos du report des élections communales", Burundi Réalité, 21 May 2010, www.burundirealite.org/news_view.cfm?ID=3421&LANG=F.

¹⁷ "Résultats complets des communales au Burundi: large victoire du CNDD-FDD", Agence France-Presse, 28 May 2010.

FDD. The main opposition parties, apart from UPRONA, assembled and without having been able to detect serious fraud, and without having denounced any during the vote, these political parties stated their conviction that the elections had been stolen. During the meeting, they wrote a declaration in which they denounced “massive fraud orchestrated by the ruling party”. Primarily, these organisations asked CENI to annul the vote and to organise “a new one alongside the presidential elections”.¹⁸ In the media the same day, Agathon Rwasa denounced a “masquerade” because “the discrepancies [in the voting] announced were not possible”.¹⁹ On 26 May, while the electoral commission had already recognised the large voting discrepancies between the CNDD-FDD and the main opposition groups, CENI’s spokesperson asked the opposition parties to “provide tangible and indisputable evidence that there had been fraud of the type that would discredit the results”.²⁰

In order to increase the pressure, during a press conference on 28 May, twelve parties requested the immediate resignation of CENI, accusing it of “incompetence” and partiality, and threatened to withdraw from the presidential election race.²¹ The same day, in a statement UPRONA denounced “large-scale fraud and irregularities”.²² On 1 June, the presidential candidates from FNL, FRODEBU, MSD, CNDD and UPD withdrew their candidatures at CENI.²³ The next day, the opposition parties, now united under a coalition called the Alliance des démocrates pour le changement au Burundi, ADC-Ikibiri²⁴, wrote to the head of state to ask him for the outright dismissal of the electoral commission.²⁵

Although the opposition parties at times presented valid elements to justify a few irregularities during the vote,²⁶

they were incapable of providing the “irrefutable proof” of massive fraud which they claimed to be in possession of. Moreover, some of them privately recognised that they might have overestimated their audience, thereby admitting that the declared results could have reflected the reality on the ground.²⁷ In parallel, the management of the contentious elections was not spared any criticism. All the complaints addressed to the independent provincial electoral commissions (CEPI), the relevant bodies which deal with issues that arise at the local election level, were rejected on the grounds that they did not provide the requested “evidence”, and for failure to submit them in the form of observations noted in the minutes, as stipulated by the electoral code.²⁸ However, the opposition parties had previously criticised the fact that they were not presented with the minutes as required by law.²⁹

That said, the national and international observers unanimously confirmed the legitimate nature of the local elections. The Civil Society Coalition for the Monitoring of the Electoral Process (COSOME – Coalition de la société civile pour le monitoring du processus électoral) and the European Network for Central Africa (EURAC – Réseau européen pour l’Afrique Centrale), who together deployed more than 5,000 observers, acknowledged the smooth running of the elections despite “some irregularities which were unlikely to distort the results of the ballot”.³⁰ The European Union, which dispatched an observation mission during the electoral process, praised the smooth running of the elections and “their conformity with international norms for democratic elections”.³¹

While exchanges between CENI and the opposition turned bitter,³² the international community partners present in Burundi published a statement calling for the continua-

¹⁸ “L’opposition demande l’annulation du scrutin entaché de fraudes”, Agence France-Presse, 25 May 2010.

¹⁹ “Le chef des FNL menace de boycotter la suite des élections”, Agence France-Presse, 25 May 2010.

²⁰ “La commission électorale demande à l’opposition des preuves de fraude”, Agence France-Presse, 26 May 2010.

²¹ “L’opposition menace de se retirer de tout le processus électoral”, Agence France-Presse, 28 May 2010.

²² “Burundi: L’Uprona dénonce des fraudes à grande échelle aux communales”, Arib Info, 28 May 2010, www.arib.info/index.php?option=com_content&task=view&id=1966&Itemid=63.

²³ “Cinq candidats se retirent de la présidentielle”, Agence France-Presse, 1 June 2010.

²⁴ The ADC-Ikibiri was initially composed of the following parties: ADR-IMVUGAKURI, CDP, CNDD, FEDS-SNAGIRA, FNL, MSD, PARENA, PIT, PPD RR ABAVANDIMWE, RADEBU, SAHWANYA-FRODEBU and UPD-ZIGAMI-BANGA.

²⁵ “L’opposition écrit à Nkurunziza: révoquez la CENI et ses démembrements”, Arib Info, 4 June 2010, www.arib.info/index.php?option=com_content&task=view&id=1996&Itemid=63.

²⁶ This relates to the delay in the closure of a number of polling stations instead of the hours stipulated by law, minutes of the

vote counting not displayed in the polling stations, copies of the same minutes not returned to the majority of the political party representatives or even polling booths positioned in a manner not guaranteeing complete secrecy of the vote. See “Déclaration préliminaire”, European Union Observation Mission in Burundi, 27 May 2010.

²⁷ Crisis Group interviews, ADC members, Bujumbura, June 2010.

²⁸ “Rapport final des élections communales, présidentielles, législatives, sénatoriales et collinaires 2010”, European Union Election Observation Mission, Bujumbura, October 2010.

²⁹ See “Mémoire sur les irrégularités et les fraudes massives des élections communales du 24 mai 2010”, Alliance des démocrates pour le changement au Burundi, ADC, Bujumbura, June 2010.

³⁰ “COSOME: les élections se sont déroulées dans le calme et la sérénité”, Agence France-Presse, 26 May 2010.

³¹ “L’UE salue le ‘bon déroulement’ des élections”, Agence France-Presse, 27 May 2010.

³² “La déstabilisation de la Commission électorale nationale indépendante prend de nouvelles allures”, CENI statement, 18 June 2010.

tion of an inclusive electoral process, *de facto* endorsing the legitimate nature of the first elections. This provoked the wrath of ADC which increased its aggressive declarations and statements against the international community.³³

The visit of Ban Ki-moon, Secretary-General of the United Nations,³⁴ was badly received by the opposition as inopportune but they nevertheless addressed a letter to him calling for his intervention in annulling the elections.³⁵ On the evening of his arrival, the interior minister banned the holding of public meetings or demonstrations by parties which had not put forward a candidate for the presidential elections.³⁶ Flouting this decision, the opposition decided, on the contrary, to organise a demonstration for the same day as the Secretary-General's visit. Even though the gathering was dispersed by the security forces, the Secretary-General's call to respect the election results signified a flat-refusal to hear the ADC grievances.

Over the 11-13 June weekend, even though the presidential election campaign had only just begun, several CNDD-FDD party offices were set alight and four grenade attacks took place in and around the capital.³⁷ These violent incidents marked an important turning point in the relationships between the opposition and the party in power which until this point had been reasonably accommodating in its declarations.

C. ELECTIONS WITHOUT OPPOSITION

No-one claimed responsibility for the first grenade attacks and the fires at the ruling party's offices. They served as a pretext for implementing a repressive policy against the main opposition parties and their leaders. On 15 June, four days after the first attacks, the residence of Agathon Rwasa in the upper part of town and on the edge of Bujumbura Rural, was surrounded by police. Rumours had circulated beforehand about his imminent arrest. Hundreds of FNL sympathisers, locals of the area, went directly to surround their leader's house to protect him from possible

arrest and then stayed guard all night. The next day, the situation degenerated into violent clashes against the security forces. About ten FNL militants were injured and more than 50 were arrested.³⁸ Less than a week later, Rwasa disappeared from Bujumbura in order, according to him, to prevent his own arrest.³⁹

The disappearance of this former rebel leader added to a rise in pressure from the ADC. Even though ADC had lowered its demands by insisting on the start of talks to resolve contentious election issues, its remarks became more radicalised. In a statement on 28 June, the parties of the ADC warned that they "will never recognise a president from an election boycotted by part of the population which is moreover illegal and unconstitutional".⁴⁰

Despite the upsurge in violence and the opposition's boycott, the presidential election organised on the 28 June was a formality for the outgoing president and began to look like a referendum vote. Nkurunziza was elected with 91 per cent of the votes. Turnout at the ballot was estimated at 76 per cent by CENI.

After the presidential elections, tension suddenly dropped. Acts of violence decreased while the main opposition voices opted for self-imposed exile. On 19 July, the minister of defence lodged a judicial complaint against the deputy, Léonard Nyangoma. The CNDD president and ADC spokesperson was accused of making defamatory statements about the armed forces.⁴¹ Fearing that his parliamentary immunity would be lifted to allow legal proceedings by the other party to go ahead, he chose once again to go into exile and was joined there several days later by Alexis Sinduhije, MSD president. The latter had suspected his likely arrest and decided to leave Burundi.⁴²

At the same time, and for reasons which are unclear, two other ADC figures, Alice Nzomukunda, president of the Alliance démocratique pour le renouveau (ADR), and

³³ "Déclaration de l'Alliance des démocrates pour le changement au Burundi: considérations sur la déclaration de la communauté internationale présente au Burundi faite en date du 3 juin". See also, "La communauté internationale plaide pour la poursuite du processus électoral au Burundi", Radio France Internationale, 4 June 2010.

³⁴ "Ban Ki-moon va tenter de relancer le processus électoral au Burundi", Agence France-Presse, 9 June 2010.

³⁵ "Burundi: l'opposition en appelle à Ban Ki-moon pour résoudre la crise", Arib Info, 9 June 2010, www.arib.info/index.php?option=com_frontpage&Itemid=1&limit=50&limitstart=850.

³⁶ "L'opposition interdite de réunions et meetings", Agence France-Presse, 9 June 2010.

³⁷ "Série d'attaques à la grenade à Bujumbura, sept blessés", Agence France-Presse, 16 June 2010.

³⁸ "Violences autour du domicile d'Agathon Rwasa, des blessés", Agence France-Presse, 16 June 2010.

³⁹ "Le chef des ex-rebelles des FNL explique sa disparition dans une cassette audio", Radio France Internationale, 30 June 2010.

⁴⁰ "L'opposition se félicite du faible taux de participation à la présidentielle", Arib Info, 28 June 2010, www.arib.info/index.php?option=com_content&task=view&id=2168&Itemid=63.

⁴¹ On 11 July, the opposition coalition had signed a press statement in which it qualified the operations carried out by the army two evenings prior in an area in Bujumbura Rural as a "crime against humanity and to a certain extent ... an act of genocide". "L'armée accusée d'avoir mitraillé des populations civiles à Kanyosha", Arib Info, 11 July 2010, www.arib.info/index.php?option=com_frontpage&Itemid=1&limit=25&limitstart=750.

⁴² Crisis Group interview, MSD officials, Bujumbura, August 2010.

Pascaline Kampayano, UPD candidate for the presidential elections, found themselves prevented from leaving Burundian territory and at the same time were the subject of harassment by the security forces. For fear of being arrested, they left the country in secret.⁴³ From then on the ADC was deprived of its leading political lights.

Because of the opposition boycott of the CNDD-FDD victory at the two previous elections, the rest of the electoral cycle appeared to lack any stakes. UPRONA had decided to participate after a long internal debate on the subject even if ADC had withdrawn from the senatorial and legislative elections.⁴⁴ Other small political parties, generally those close to CNDD-FDD, also decided to participate.

The participation rate at the 23 July legislative elections increased to 66.88 per cent. The governing party won by a wide margin with 81.19 per cent of the votes, against 11.06 per cent for UPRONA, and 5.88 per cent for FRODEBU-Nyakuri. According to the count by CENI, these three parties respectively obtained 81, seventeen and five seats in the new National Assembly which was composed of 106 deputies, including three co-opted members of the Twa ethnic group. The 28 July senatorial elections ended unsurprisingly with a crushing victory for CNDD-FDD which obtained 32 out of the 34 seats being contested. The two remaining seats were won by UPRONA in the Bujumbura city hall district and in Bururi, thanks to the withdrawal of the governing party in favour of the main Tutsi party.⁴⁵ With four former heads of state members by right, as well as three members co-opted from the Twa ethnic group, the ruling party had 78 per cent of the 41 seats which made up this assembly.

D. THE URBAN VERSUS THE RURAL ELECTORATE

The CNDD-FDD victory is above all a victory for the Burundian president. The intellectual circles and the urban population believed that the constant denunciations, via local radio, of human rights violations and corruption were going to badly discredit the ruling party and undermine the popularity of the president. They believed that the

desire for change was going to influence the choice of the people.

They had not counted on the cleavage between the city and the rural poor. The rural poor are demographically dominant – making up 89 per cent of the population – and are concerned about basic needs such as security, land access, healthcare and education but less concerned by governance and impunity issues which mobilise the intellectual elite.⁴⁶ Since reaching the highest public office, President Nkurunziza has travelled across the country visiting villages to take part in development work and the construction of social infrastructure. This has created a political closeness with the rural population on social issues. Free primary education and healthcare for pregnant mothers and for children under five are just some of the measures which have seduced the rural voters. In 2005, these voters had already punished the FRODEBU's administration, judged too far away from their concerns.

The opposition committed a double error. First of all, it overestimated the impact of its electoral campaign in rural areas, thinking that election promises would be enough to win the allegiance of the rural population, just as they had done for the urban population. Secondly, it misjudged the international community's position. Far from siding with the ruling party, the international community wanted to ensure legitimate, peaceful and accepted elections, and if possible, the inclusion of all political actors. Even though it was aware of the risk for destabilisation in the event of a contested election, or even one rejected by the CNDD-FDD,⁴⁷ the elections process to a large extent met its expectations. It therefore had no problem with validating the election. This scenario in its eyes minimised the risk of destabilisation and outbreaks of violence.

By raising the stakes the opposition parties thought they could snatch some major concessions from CENI and the government, with combined pressure from the street and the international community. It hoped to obtain a new election and the formation of a transitional government bringing together the CNDD-FDD and the ADC, whose mandate would have been to conduct new elections in a politically pacified environment.⁴⁸

⁴³ Crisis Group interviews, ADC officials, Bujumbura, July 2010.

⁴⁴ Crisis Group interviews, UPRONA officials, Bujumbura, August 2010.

⁴⁵ Voting instructions had been given in the same way to the communal councillors from CNDD-FDD so that they voted for UPRONA in Bujumbura Rural and Mwaro, but these orders were not followed. In Bujumbura Rural, the two CNDD-FDD candidates refused to give up their seats; one of them had even bought votes into order to be elected. Crisis Group interviews, CNDD-FDD members, Bujumbura, August 2010.

⁴⁶ See Appendix B.

⁴⁷ See "Document d'orientation conjoint sur la politique européenne au Burundi", General Secretariat of the Council of the European Union and the European Commission in collaboration with the Special Representative for the Great Lakes, July 2009. In this document, a chaos or coup scenario is set out.

⁴⁸ Crisis Group interviews, ADC officials, Bujumbura, July 2010.

III. WEAKENED PEACE AND DEMOCRACY

The end of the electoral process has not led to an improvement in the security situation. On the contrary, since the establishment of new institutions, fresh indications of a nascent rebel group forming have appeared. The increase in violence in Burundi's western region is attributed by the government to "armed bandits", a term which conjures up "armed groups", a phrase used by the union government at the beginning of the civil war to describe the CNDD-FDD rebels. But Agathon Rwasa's return to clandestinity and his intermittent presence on Congolese territory⁴⁹ were accompanied by a renewed outbreak of insecurity in several localities in South Kivu, involving various armed groups one of which was the FNL.⁵⁰ At the same time, the CNDD-FDD consolidated its hold on institutions and accentuated its repression of the opposition. Meanwhile, confronted by a deteriorating political climate and a return to violence the international community has remained indecisive.

A. THE AUTHORITARIAN TEMPTATION OF POWER

The government attributed the grenade attacks during the presidential campaign to the opposition parties. In response, from May until 20 July 2010, 242 people from the opposition ranks were arrested according to the United Nations Office of the High Commissioner for Human Rights and the Association for the Protection of Human Rights and Detainees (APRODH - Association pour la protection des droits humains et des personnes détenues), a local NGO. These detentions often took place outside of procedures prescribed by law according to this latter organisation. While the use of torture has noticeably reduced due to an improvement in the judicial system, training for security forces, and the desire of some officials from these forces to break with these excesses, numerous cases of physical abuse and poor treatment were denounced by local and international human rights organisations.⁵¹ In parallel, attempts were made to lure influential members away from

the main opposition parties by offering them the prospect of government positions.⁵²

Government pressure on the opposition did not diminish with the end of the electoral process. On the contrary, numerous opposition activists were arrested and searches of the offices of ADC party members became more frequent. This repression generated a spiral of violence. In turn, sympathisers and local CNDD-FDD opposition leaders were targeted. The discovery, since September, of about twenty bodies in the Rusizi river next to Lake Tanganyika and the gradual identification of the victims, the majority allied to the FNL, led several local and international human rights organisations to speculate about extrajudicial executions implicating certain security services. On 3 November, following pressure from a variety of sources, Burundi's General Prosecutor established a board of inquiry to investigate allegations of extrajudicial executions and ordered it to submit a report within a month. At the beginning of February, the board had still not started its work, due to a lack of finances according to the minister of justice.⁵³

Simultaneously, attempts to silence civil society and the press increased. Never having understood how to accommodate the often critical tone of the press and certain local NGOs, the day after the elections the ruling party paradoxically tightened its grip against those that it considered as hostile, even as enemies. Since July, four journalists have been imprisoned and another forced into temporary exile for security reasons.⁵⁴ All the motives for these arrests were at the very least controversial, if not completely arbitrary.⁵⁵ One of the most critical radio stations towards the current regime suffered judicial harassment. Six members, administrators and/or journalists, have already appeared in court for a variety of issues. As for civil society, the leaders of two of the most critical organisations have been victims of physical intimidation and even re-

⁴⁹ "Final report of the Group of Experts on the Democratic Republic of the Congo", Security Council, S/2010/596, 29 November 2010.

⁵⁰ "RD Congo/Uvira: accrochages entre FARDC et la coalition FDLR-FRF-FNL, 10 soldats tués", Radio Okapi, 9 November 2010.

⁵¹ "A Step Backwards: Torture and Other Ill-Treatment by Burundi's National Intelligence Service", Amnesty International, 23 August 2010.

⁵² Crisis Group interviews, opposition leaders, Bujumbura, July 2010.

⁵³ See, "Les nouvelles locales du 23 décembre 2010", Arib Info, 23 December 2010, www.arib.info/index.php?option=com_content&task=view&id=2902&Itemid=103.

⁵⁴ Jean-Claude Kavumbagu, director of the news agency Net Press, has been imprisoned since 17 July 2010 accused of treason because his press agency spoke of the incapability of the defence and security forces to prevent attacks by Al-Shabaab militia in Burundi, while Thierry Ndayishimiye, director of the newspaper l'Arc-en-Ciel, was arrested then released for having raised a corruption issue at the management-level of REGIDESO, the state-owned water and electricity production and distribution company.

⁵⁵ "Burundi: Deux journalistes libérés après 48 heures de détention sans charge", Reporters sans Frontières press release, 7 November 2010.

ceived death threats.⁵⁶ These developments within the space of a few months were evidence of a drift towards authoritarianism.

B. INSTITUTIONS UNDER CNDD-FDD CONTROL

The Burundian Constitution explicitly defines the conditions for participation in state institutions and notably in the government.⁵⁷ Effectively, the ruling party could have exploited these clauses to exclude any integration of the opposition into the institutions. However, shortly after the communal elections, the leaders of the CNDD-FDD suggested that they were willing to consider openness in the composition of the future institutions.⁵⁸ During his inauguration speech, the Burundian president announced that he would make “peace, security and reconciliation consolidation” his priority and also notably indicated “that there would be a place for everyone, the election winners and the losers”, thereby giving a glimmer of hope for integration in some institutions.⁵⁹ Shortly before, in a move slightly contradicting their official rhetoric, the ADC addressed a message to the authorities via various channels to express its wish to participate in the institutions.⁶⁰

The task of forming communal councils in around thirty districts where the opposition had a majority, particularly those in Bujumbura Rural, Bururi and in the capital, was made particularly arduous because of the refusal of the ADC parties to sit there. Even more so, as their party was not acting according to the law. First of all, the CNDD-FDD favoured intimidation and other forms of pressure, not only to dissuade the locally-elected opposition representatives from their empty chair policy, but also to vote in their favour.⁶¹ In addition, in some districts the elections of communal administrators were marred by irregu-

larities which were covered up by the communal electoral commissions.⁶² In other words, the majority of the communal councils normally assigned to the opposition were under the control of the ruling party. Of the 38 communes where the CNDD-FDD was in a minority, only six of them had elected communal administrators from other parties.⁶³

The establishment of the two parliamentary chambers was done with strict respect to the relevant clauses in the electoral law for the division of seats⁶⁴ and of the Constitution with respect to ethnic and gender quotas.⁶⁵ Neither the political parties nor the media and civil society contested the outcome. In addition, the three parties with members of parliament had hardly any grounds to contest the arrangements from which they benefited. Despite its critical discourse, UPRONA remained a party of individuals where the maximisation of the number of positions was a political strategy and it occupied two seats more than during the previous legislature.⁶⁶ FRODEBU-Nyakuri, whose tally

⁶²This was particularly when the quorums which were not reached.

⁶³Kanyosha commune in Bujumbura province remains without an administrator because a dozen of its fifteen members came from the ranks of the FNL of Rwaswa and systematically boycotted convocations to meetings of the communal council. “Kanyosha, la seule entité qui n’a pas d’administrateur communal”, Radio Télévision Nationale du Burundi, 24 January 2011,

www.rtnb.bi/index.php?option=com_content&view=article&id=588:kanyosha-la-seule-commune-qui-na-administrateur&catid=6:politique&Itemid=7.

⁶⁴Article 108 of the electoral code stipulates that “the National Assembly has less than 100 deputies, with a ratio of 60 per cent Hutu and 40 per cent Tutsi, including a minimum of 30 per cent women, elected through direct universal suffrage based on blocked lists with proportional representation constituted in a way that for the three accredited candidates following each other on the list, only two belong to the same ethnic group and at least one in the four be a woman In the event that voting results do not reach the targeted percentages... [CENI] will proceed to redress the noted imbalance while retaining on the list political parties and independents having achieved 5 per cent of votes cast an equal number of extra deputies belonging to the under-represented ethnic group or gender necessary to redress the imbalance. The [CENI] also proceeded to co-opt three deputies from the Twa ethnic group from different regions. The co-optation of the deputies from the Twa ethnic group was done on the basis of lists presented by those organisations recognised as the most representative by the legal authorities, taking into consideration the ‘gender’ dimension and the geographic spread”.

⁶⁵Article 129 of the Constitution stipulates that the “government is open to all ethnic backgrounds. It should include at the most 60 per cent Hutu ministers and vice-ministers and at the most 40 per cent Tutsi ministers and vice-ministers. A minimum quota of 30 per cent women is assured”.

⁶⁶This was because of the withdrawal of others parties from the electoral process, mainly MSD who had the same electorate.

⁵⁶See in particular, “Closing Doors? The Narrowing of Democratic Space in Burundi”, Human Rights Watch, November 2010.

⁵⁷Article 129 of the Constitution stipulates that “the members (of government) come from different political parties with more than a twentieth of the vote and who want to be included. These parties have the right to a percentage, rounded down, of the total number of ministers at least equal to the numbers of seats occupied in the National Assembly”.

⁵⁸In an interview, Gélase Ndabirabe, the Secretary General of the CNDD-FDD declared that the ruling party “is going to form a government where all the factions are going to come together”, Iwacu, 11 June 2010.

⁵⁹“Burundi: Discours de Nkurunziza lors de son investiture pour le 2eme mandat”, Arib Info, 27 August 2010, www.arib.info/index.php?option=com_frontpage&Itemid=1&limit=50&limitstart=450.

⁶⁰Crisis Group interviews, diplomats, Bujumbura, August and September 2010.

⁶¹Crisis Group interviews, local elected representative, Bujumbura, October and November 2010.

at the communal elections heralded a marginalisation in the political arena, incredibly found itself in the National Assembly⁶⁷, while the CNDD-FDD's landslide result allowed them to greatly surpass the majority required to deliberate and vote on laws⁶⁸ and amend the Constitution with the support of its ally, FRODEBU-Nyakuri.⁶⁹

The nomination of the vice-presidents and the formation of a new government was the result of a compromise between the ruling party and the head of state, although the latter would have nevertheless liked to impose on it his close friends. The composition of the government further reinforced the stranglehold of the president's party on the institutions. The outgoing president of the National Assembly, who was considered devoted to the head of state, Pie Ntavyohanyuma, had his mandate renewed to the detriment of the CNDD-FDD party president who was judged too independent.⁷⁰ The presidency of the Senate was conferred to the former second vice-president, Gabriel Ntisezerana, a controversial character.⁷¹ This appointment can be explained not only by the successful cohabitation between Ntisezerana and President Nkurunziza, but also because the president knew his ambitions were limited. Furthermore, by keeping Ntisezerana at such a high level demon-

strates a certain ethnic balance as a number of ex-FDD officers were from his region.⁷²

During negotiations for the appointment of vice-presidents, internal tensions surfaced from within UPRONA when they were called on to nominate a candidate. Despite unanimity within the executive office of UPRONA to submit the name of the former first vice-president, Yves Sahinguvu, UPRONA's president wanted to create his own list and lobby for his own particular favourites.⁷³ Meanwhile, CNDD-FDD was aware of all the intricate details of these negotiations and anticipating their conclusions, had already chosen the deputy Therence Sinunguruza.⁷⁴ His name was retained by the president and submitted for the approval of parliament before being appointed first vice-president. These events in the nomination process reinforced the impression of collusion between the leadership of CNDD-FDD and that of UPRONA. Even though this individual had a shrewd reputation and was reputedly endowed with a great political background, he was judged by his own party as someone close to the head of state and would therefore be influenced by his requests.⁷⁵

The post of second vice-president was reserved for the former Senate president, Gervais Ruffyikiri, an influential individual from the ruling party but also considered to be a possible alternative to President Nkurunziza. He is a calm and thoughtful man, and perceived as honest. In his favour, he preserved the Senate from the political bickering seen in the National Assembly and gave the upper chamber relative autonomy from the executive.⁷⁶ At the same time, he was quick to lend his support for the candidacy of the president when he ran for office. His nomination for the head of the coordination of the socio-economic ministry was mainly to reward him for his allegiance to the president, but also to reassure international partners worried about the spread of corruption and embezzlement. It was also meant to satisfy the Gitega lobby within the CNDD-FDD, a group of influential civic leaders and security services from Ruffyikiri province, Burundi's most populated district.

⁶⁷ By increasing the percentage of their votes at the communal elections from 1.36 per cent, a tally which deprived it, according to the Constitution from any presence at the National Assembly and within government, to 5.88 per cent at the legislative elections, FRODEBU-Nyakuri was guaranteed participation in these two institutions.

⁶⁸ Article 175 of the Constitution sets out that "the National Assembly can only legally deliberate if two thirds of the deputies are present. The laws are voted by the majority of two thirds of the deputies present or represented, without this majority being inferior to the absolute majority of the members making up the National Assembly. The majority of two thirds of the deputies present or represented is also needed for voting on resolutions, decisions and important recommendations".

⁶⁹ FRODEBU-Nyakuri ("the real FRODEBU") is a break-away party sharing the same name. It is led by Jean Minani who presided over FRODEBU from 1995 to 2005. The routing of his party at the 2005 elections left him sidelined. Since then, he has had a difficult relationship with the new leadership of the party and he has moved gradually closer to CNDD-FDD with his supporters within the parliamentary group FRODEBU. In June 2008, Jean Minani founded FRODEBU-Nyakuri which allied itself to the CNDD-FDD and deprived FRODEBU of the minimum number of seats required to have a member in the office of the National Assembly. Despite several isolated clashes between some of its activists and youth from CNDD-FDD during the months leading up to the campaign, FRODEBU-Nyakuri has remained allied to the CNDD-FDD.

⁷⁰ Crisis Group interviews, former CNDD-FDD deputies, August 2010.

⁷¹ On this subject see, "Gabriel Ntisezerana: plus homme d'affaires que politique?", *Iwacu*, 27 August 2010.

⁷² See "Rapport de la commission d'enquête sur l'état des équilibres exigés par la Constitution au sein des corps de défense et de sécurité", Senate, July 2008; and "Rapport de la commission d'enquête sur l'état des équilibres exigés par la Constitution au sein des corps de défense et de sécurité: cas de la police nationale", Senate, December 2009.

⁷³ Crisis Group interviews, UPRONA officials, Bujumbura, August 2010.

⁷⁴ Crisis Group interviews, CNDD-FDD and UPRONA members, Bujumbura, August 2010.

⁷⁵ Crisis Group interviews, UPRONA officials, Bujumbura, August 2010.

⁷⁶ Crisis Group interviews, senators, Bujumbura, August 2010.

The composition of the new government team was greatly anticipated as proof of the new authorities will to change. The chosen cabinet respected the constitutional requirements on the distribution of portfolios based on election results and ethnic balance. It also gave a predominant place to women, largely exceeding the quota of 30 per cent allocated to them by law and they occupied the key portfolios of justice and finance.

Nevertheless, it was a continuity government for the ruling party and the “heavyweights” of the former cabinet remained in place.⁷⁷ Only the national defence and justice portfolios saw new appointments. The ruling party officially had fourteen of the 21 ministries. Three of these portfolios (national defence, public security and justice) were handed over to supposedly neutral individuals. Their neutrality was based on the fact that they come from those professions judged to be apolitical according to the law; which are respectively, the army, the police and the magistracy.⁷⁸ Three other ministries were allotted to UPRONA and a final one to FRODEBU-Nyakuri. The minister of public security, a former FDD military leader, was reputed to be one of the leading lights of the CNDD-FDD. The new minister of justice was the former president of the Supreme Court who had demonstrated little independence when handling sensitive files.⁷⁹ As for the new defence minister, he was believed to be one of those officers of the ex-Burundian armed forces (FAB) who had been drawn to the ruling party in an opportunistic way since the CNDD-FDD had arrived in power.⁸⁰

As for the nomination of new provincial governors and ambassadors, the ethnic and gender quotas were not formally regulated as in other institutions. This gave the executive a wider margin for manoeuvre, which *de facto* did not name any women to serve as ambassador – a statistic quite badly received by women’s organisations. On the other hand, several appointed officials were part of small

satellite political parties of the CNDD-FDD, some of which did not even participate in the legislative elections.⁸¹

While the basic law regarding the establishment of new institutions was respected, with the exception of the communal councils, the CNDD-FDD managed to complete the institutional architecture by co-opting parties of political allies. Because of the electoral boycott by the opposition parties, the Burundian governmental system presented a facade of pluralism which poorly concealed the almost-total control of the CNDD-FDD.

The influence of the ruling party also spread to public office. In the Interpetrol affair – the name is derived from the company involved in commercialisation of petroleum products and accused of accepting a double payment when providing fuel to the state – the prosecution department decided not to pursue the case in August, officially because of a lack of infringements.⁸² Later, the government referred the matter to the Supreme Court to bring those presumed guilty to justice before withdrawing its request.⁸³ During July, policemen from the guard force of the Kayanza governor in the north of the country, jailed for more than a year for the murder of a citizen in broad daylight, were acquitted. The executive’s interference in judicial decisions was finally uncovered when the director of the cabinet of the second vice-president requested that the minister of justice arrest a woman recently released by the Court of First Instance in Bujumbura for a criminal matter – and the directive was immediately carried out.⁸⁴

C. THE FNL RETURNS UNDERGROUND

Agathon Rwasa has long been obsessed by the idea of a conspiracy: this was fuelled by the attacks against him and the numerous attempts to overthrow him.⁸⁵ The last

⁷⁷ “Burundi: L’opposition mécontent de la reconduction de certains ministres”, Arib Info, 2 September 2010, www.arib.info/index.php?option=com_content&task=view&id=2480&Itemid=63.

⁷⁸ Members of the defence and security professions cannot become members of a political party by virtue of Article 244 of the Constitution. This is the same for some members of the magistracy (paragraph 4 in article 16 of law No1/001 of 29 February 2000 relates to the reform of the status of the magistrates).

⁷⁹ Crisis Group interviews, magistrates and lawyers, Bujumbura, September and October 2010.

⁸⁰ Crisis Group interviews, National Defence Force (FDN) members, Bujumbura, September 2010.

⁸¹ In particular from FNL iragi rya Gahutu Rémy (“FNL héritage” of Gahutu Rémy), from the Rassemblement du peuple burundais (RPB) and from the Parti monarchiste parlementaire (PMP) who each obtained an ambassadorial post, the first having also won a provincial governorship, which created discontent amongst some CNDD-FDD executives who were expecting nominations.

⁸² See “Les nouvelles locales du lundi 9 août 2010”, Arib Info, 9 August 2010, www.arib.info/index.php?option=com_content&task=view&id=2371&Itemid=103.

⁸³ Crisis Group interviews, President of the Organisation de lutte contre la corruption et les malversations économiques (OLUCOME), Bujumbura, January 2011.

⁸⁴ This letter was dated 12 October 2010. See “Scandale à la 2ème vice présidence de la République du Burundi dans l’affaire RPC 253 opposant Anne Marie Kaneza et Jocelyne Ndayishimiye”, Burundi Transparence, 15 November 2010, www.burunditransparence.org/scandale_kaneza.html.

⁸⁵ Agathon Rwasa was seriously injured during an ambush which had been set up by the regular forces in Bujumbura Rural on 26

one succeeded. Rwasa was overthrown during a congress organised on 1 August 2010 by several FNL officials who had been expelled or had resigned following the party's withdrawal from the electoral process. The interior minister directly ratified the results although a large majority of members of the leadership had contested the legality of it and most of the people present at this congress did not have the requisite status to participate. The congress elected new leaders, all of whom were accepted by the CNDD-FDD. This seizure of power was one of the main reasons behind Agathon Rwasa's resentment of the ruling party. According to several of his former collaborators, his return to hiding marked a return to armed struggle, an option that the former rebel chief has never really abandoned, convinced that his victory could only be achieved through violence.⁸⁶

Aware that his voluntary disappearance would only feed speculation of an imminent return to war, Rwasa initially developed a communication strategy to reassure public opinion within the country and internationally. Several pre-recorded messages he sent were spread in local private media, and he wrote reassuring messages and statements. In them he explained his return to hiding; the reasons behind ADC's and his party's choice to conduct an empty chair policy; and insisted on his belief in non-violent struggle.⁸⁷ But developments on the ground suggested otherwise: a growing rebellion, preparation for which followed the challenge against the first election results, and the disappearance of Agathon Rwasa.⁸⁸

Rwasa disappeared on 23 June and rumours circulated from July about the presence of armed groups gradually settling themselves in Kibira forest, a traditional sanctuary for rebel movements, and in the nature reserve of Rukoko.⁸⁹ These rumours were followed by facts provided

by surrounding households: looting carried out by armed groups and clashes between security forces and unidentified armed men.

In parallel, a significant number of arms were taken from stocks at a military camp⁹⁰ and desertions rose in the ranks of the security forces, mainly amongst FNL fighters. At the beginning of September, after leaks in the press, the National Defence Force (FDN – Force de défense nationale) was obliged to acknowledge the desertion of one of its senior officers, coming from the ranks of the FNL.⁹¹ During the same period, the spokesperson of the former rebel movement, Jean-Bosco Havyarimana, was reported missing. Finally, a campaign to collect funds was organised within the ranks of FNL sympathisers to contribute to the war effort.⁹² On 15 September, a group of armed men from the Rukoko area massacred in broad daylight nine employees from a sugarcane plantation located on the outskirts of the nature reserve and decimated a herd of around 40 cattle that same evening. No-one claimed responsibility for the attack although sources close to the rebels attributed it to an FNL unit.⁹³

At about the same time, the presence of the FNL on the Rusizi plain, on the DRC side of the border was reported by different witnesses.⁹⁴ Since 24 June, Rwasa has been in South-Kivu with the knowledge of leaders from the 10th military region of the Armed Forces of the Democratic Republic of the Congo (FARDC-Forces armées de la République démocratique du Congo),⁹⁵ to establish contact with the Democratic Forces for the Liberation of Rwanda (FDLR-Forces démocratiques de libération du Rwanda).⁹⁶ Since September, the FNL have often been

December 2002, while he prepared to meet a government delegation on the framework of the first pre-ambule to peace talks. Furthermore, since his arrival at the head of the FNL in January 2001, successive regimes in Bujumbura had tried to create internal strife or to overthrow him. This translated into an attempted internal putsch in 2005, with the complicity of Jean-Bosco Sindayigaya, then vice-president of the movement, and a dissident group led by Nestor Banzubaze in 2007. This also explains the fragmentation of the FNL into several accredited parties, the FNL-icanzo and the FNL iragi rya Gahutu Rémy, all formed on the initiative of the authorities.

⁸⁶ Crisis Group interviews, members and former officials of the FNL, Bujumbura, June and July 2010.

⁸⁷ "L'ex-chef de rébellion Agathon Rwasa assure ne pas vouloir la guerre", Agence France-Presse, 7 July 2010.

⁸⁸ See Appendix C.

⁸⁹ The Rukoko natural reserve, situated a few kilometres from the capital and from Bujumbura's international airport, is one of FNL's traditional sanctuaries. It is from here that they have already led several attacks on military positions.

⁹⁰ Crisis Group interviews, soldiers, Bujumbura, August 2010.

⁹¹ "Officiers, militaires et politiciens portés disparus", Arib Info, 14 September 2010, www.arib.info/index.php?option=com_content&task=view&id=2519&Itemid=76.

⁹² Crisis Group interviews, FNL members, Bujumbura, August and September 2010.

⁹³ Crisis Group interviews, former FNL members, Bujumbura, September 2010.

⁹⁴ Crisis Group interviews, South-Kivu civil society leaders, Bujumbura, September 2010.

⁹⁵ "Final Report", Security Council, op. cit., p. 32, 33. According to this report, Agathon Rwasa was in contact with the commander of the military region of South-Kivu, General Patrick Masunzu, and his deputy, Colonel Nakabaka.

⁹⁶ The FDLR was initially constituted by former members of the Rwandan Armed Forces (FAR) and the Hutu militia called the Interhamwe who were implicated in the 1994 genocide of Tutsis. The forces had been chased away by the arrival in power of the Rwandan Patriotic Front (FPR) the same year. Since then they have lived in the East of Congo where they have organised armed rebellions against the Kigali regime. The FDLR, which had integrated numerous Congolese, were the most active armed group in the Kivu where they lived mainly through the illegal exploitation of minerals. They were allied

listed amongst the armed groups responsible for the insecurity in various localities in South-Kivu. They were notably implicated in several military operations, such as the attack against a sugar refinery in Kiliba on 8 November, an attack against the Congolese army led jointly with the Federalist Republican Forces (FRF-Forces républicaines fédéralistes) and the FDLR during the night of 8 November in the north-west of Minembwe centre in the Fizi territory⁹⁷ and an ambush against a FARDC detachment on 25 January 2011 near to Kiliba.⁹⁸

South-Kivu hosts several hundred FNL fighters who have regrouped in different areas where they benefit from the support of the Mayi Mayi Yakutumba. According to the United Nations, the FNL, helped by favourable relations with armed groups from South Kivu, uses this Congolese province not only as an arms provisioning base, but also a refuge and a recruitment area.⁹⁹

These developments worried the new authorities. However, the government chose to reduce their influence by attributing the violence to “armed bandits”, in other words by depoliticising them.¹⁰⁰ However, the measures taken by the government demonstrated the importance that the Burundian authorities placed on this persistent violence. Arrests amongst the opposition multiplied albeit under the pretence of attacks on domestic state security or collusion with the rebel movement. For several months now, Bujumbura has increased information exchanges on security with the civil and military authorities from South-Kivu. Thanks to this collaboration, the Burundian security services obtained the extradition of several new recruits or presumed fighters from this new rebel group, apprehended

on Congolese territory.¹⁰¹ Moreover, the Congolese army and the Burundian security forces envisage organising joint operations in South-Kivu.¹⁰²

Even though the rebel group is not composed entirely of FNL fighters, the majority of recruits come from their ranks and are demobilised fighters or deserters from the security forces or quite simply activists. The former leaders of the military regions from the FNL command structure are still in control.¹⁰³ In addition, the rebel group is established in the same geographical area as the former rebel group and it has once again imposed taxes and taken up banditry on some of the roads leading to the capital.¹⁰⁴ This doubtlessly explains the increase in the number of attacks against police posts in Bujumbura Rural province since the beginning of 2011.

This being true, it is becoming increasingly obvious that this rebel group is practicing a type of political banditry and is benefiting from the support of other political parties from ADC. Some elements from other ADC parties have been apprehended in Congolese territory on their way to rejoin the FRF. Elsewhere, several of its leaders unofficially maintain an ambiguous discourse where they have the tendency to legitimise the recourse to violence.¹⁰⁵ However, no-one yet has claimed overall responsibility for this rebel group. The group has not yet expressed any political claim even though it clearly results from the disputed elections. In addition, in view of the latest messages and documents from FNL officials, the latter has now called for negotiations to avoid a resumption of hostilities.¹⁰⁶

with other groups, notably the FRF, an armed group from South-Kivu which claim to defend the interests of the Banyamulenges (Congolese Tutsi), and some Mayi-Mayi groups. See Crisis Group Africa Report N°151, *Congo: A Comprehensive Strategy to Disarm the FDLR*, 9 July 2009; and Crisis Group Africa Report N°165, *Congo: No stability in Kivu Despite Rapprochement with Rwanda*, 16 November 2010.

⁹⁷ “RD Congo/Uvira: accrochages entre FARDC et la coalition FDLR-FRF-FNL, 10 soldats tués”, Radio Okapi, 9 November 2010.

⁹⁸ Interview with Colonel Sylvain Ekenge, head of FARDC operations in South Kivu, radio Isanganiro, news at midday, 27 January 2011.

⁹⁹ The number of FNL varies according to sources. In the final report of the Group of Experts from November 2010 a figure of 700 fighters in South Kivu, spread across the territories of Fizi, Uvira and Mwenga was given. “Final Report”, Security Council, op. cit. Some Burundian sources believe this figure to be less than 500. Crisis Group interview, security services leaders, Bujumbura, December 2010.

¹⁰⁰ “Les groupes de ‘bandits armés’ ont été ‘démantelés’, dit la présidence”, Agence France-Presse, 2 November 2010.

¹⁰¹ Crisis Group interviews, security services officials, Bujumbura, November 2010.

¹⁰² Interview with Colonel Sylvain Ekenge, Head of FARDC operations in South Kivu, Radio Isanganiro, op. cit.

¹⁰³ Final Report, Security Council, op. cit.

¹⁰⁴ Crisis Group interviews, former FNL fighters, Bujumbura, November 2010.

¹⁰⁵ Crisis Group interview, political leader, Brussels, December 2010. See also: “Burundi: as democracy is buried, EAC hides its head in the sand”, *The East African*, 16 August 2010.

¹⁰⁶ FNL party memorandum, Faced with the Stalemate of the Socio-Political and Security Situation in Burundi, 10 October 2010.

IV. AVOIDING A REGRESSION

The 2010 electoral cycle should have consolidated democracy and confirmed political reconciliation in Burundi. Unfortunately this political scenario did not happen. Although the elections were judged legitimate overall by local and international observation missions, and accepted by the majority of the population, the political and security situation remain a cause for concern. The opposition, through its election boycott, has placed itself outside of the power-sharing system which characterises Burundian institutions.¹⁰⁷ Since then, ADC as an extra-parliamentary opposition has adopted an ambiguous position, toying with the opening of dialogue with the authorities at the same time as supporting armed groups.

By withdrawing from the electoral cycle, the opposition created a situation whereby the different arrangements foreseen by law to avoid any political group having a hegemonic position in the institutions became inoperable and where control mechanisms were weakened based on this new political configuration. For their part, the re-elected authorities acted contrary to their reconciliation discourse by favouring a strategy of constricting the opposition and thus gave way to a sort of post-electoral authoritarianism.

Renewal of political dialogue, reinforcement of the rule of law and the fight against corruption must be prioritised in order to avoid reducing to nothing the gains made in the peace process and to begin the consolidation of peace and democracy. The authorities also have to agree not to revise key clauses in the Constitution. For their part, international partners must avoid adopting a wait-and-see attitude and instead support efforts to emerge from this impasse, such as the restoration of dialogue, with a view to stabilising the country.

A. DIALOGUE FOR PEACE AND SECURITY

The restoration of dialogue between the government and the extra-parliamentary opposition is a response to the peace and security imperative. With the challenge to the results of the communal elections, the CNDD-FDD opposition officially broke off all contact. And since 16 September 2010 the opposition has not participated in the permanent forum for dialogue between accredited political parties,¹⁰⁸

on the grounds that this forum does not serve any purpose¹⁰⁹ and that given the composition of its office, it is simply a tool exploited by the authorities.¹¹⁰

Today, the legitimacy of the new governing authorities is no longer an issue; the CNDD-FDD no longer has any reason to postpone restarting political dialogue. Furthermore, the president put reconciliation under his new mandate.¹¹¹ The ADC position has also evolved: henceforth it wants to engage in a dialogue with the authorities “with the aim of consolidating peace and reinforcing the gains of a true democracy in Burundi”. The party calls for the establishment of dialogue to discuss “the worrying insecurity”, the “release of political prisoners”, and “the creation of political and security conditions to enable the return of exiled opposition leaders who have fled Burundi”.¹¹² That said, the ADC political parties sometimes expressed contradictory positions. Some of the leaders continued to deny the legitimacy of the new authorities¹¹³ and continued to call for a dialogue on the disputed elections.¹¹⁴

In order to calm the political and security situation, the position of all sides needs to evolve. If they are sincere, all the ADC parties should individually, publicly and unequivocally denounce violence, as the spokesperson for the opposition coalition has done.¹¹⁵ The nascent rebellion emerged mainly because of frustrations over the electoral process. Moreover, the rebellion was fed by parties within

solidation (FCP – Fonds pour la consolidation de la paix). It brings together all the accredited political parties in Burundi.

¹⁰⁹ The ruling party managed to infiltrate the management of the forum thanks to the elections during which it allied itself with the small parties, unlike the opposition parties (FRODEBU, CNDD, etc), who presented themselves in a disorganised manner. The change in the forum’s board members on 2 February did not change this state of affairs. Crisis Group interview, political party leaders, Bujumbura, February 2011.

¹¹⁰ The MSD president, Alexis Sinduhije, opposed all inclusion of the forum of political parties in the dialogue between the opposition and those in power as this forum had been exploited by CNDD-FDD. Interview broadcast on radio Isanganiro, 22 December 2010.

¹¹¹ “Burundi: discours de Nkurunziza”, op. cit.

¹¹² “L’opposition appelle le président Nkurunziza au dialogue”, Agence France-Presse, 2 September 2010.

¹¹³ Interview with Alexis Sinduhije, MSD president talking on the “akabizi” show, Radio publique africaine, 25 November 2010.

¹¹⁴ Interview with Alexis Sinduhije, radio Isanganiro, 22 December 2010.

¹¹⁵ “L’ADC-Ikibiri, contestaire des communales 2010, se désolidarise avec ceux qui pourraient avoir pris l’option militaire”, Radio publique africaine, 27 January 2011.

¹⁰⁷ Stef Vandeginste, “Power-Sharing, Conflict and Transition in Burundi: Twenty Years of Trial and Error”, *Africa Spectrum*, 3/2009, pp. 63-86.

¹⁰⁸ The permanent forum for dialogue between accredited political parties was created by decree in October 2009 as a follow up to a recommendation from the project “dialogue frameworks”. This project was initiated in 2008 by the Ministry of Good Governance through a project by Funds for Peace Con-

this alliance who have still not accepted responsibility for it.¹¹⁶

The CNDD-FDD and the president should draw lessons from this first governing experience. The crises repeating themselves all through the previous mandate were always resolved through dialogue between the authorities and the opposition. This happened during the deadlock over the formation of a new government in 2007, or when there was disagreement over the elaboration of the electoral code. Conversely, the times when dialogue has broken down have favoured the emergence of crises and have sometimes led to political violence.¹¹⁷ The refusal of all dialogue risks radicalising the opposition already tempted with a return to armed violence. Violence, no matter how isolated, could jeopardise efforts for long-lasting stability in the country – and would *de facto* contradict the priority announced by the president for his second mandate, namely “consolidation of peace, security and reconciliation, so that every citizen feels better than yesterday and satisfied and happy to live in Burundi”.¹¹⁸

This dialogue should be organised under a pre-existent framework and would result in a code of good conduct formulated around a precise agenda. This framework could be a reconfigured permanent forum for the political parties. The board and executive committee composition should give a greater space for the opposition, the presidency of the executive committee should no longer be taken by the ruling party and the forum should not be held at the Ministry of the Interior.¹¹⁹ The forum, which continues to function despite the opposition’s boycott,¹²⁰ should regain its relevancy as a framework for dialogue under a consensual agenda.

This agenda would look at restrictions on political freedom in Burundi, the adoption of a law on the status of the opposition – which is already at project stage – and conditions for the return and for the exercise of the civil and political rights of opposition leaders who are today either in exile or in hiding. It is crucial that the political parties can function freely without being watched or having their meetings blocked. Similarly, the various interferences designed to weaken the opposition parties, for example by creating dissident wings within them, by nature do not only discredit public authority but also create unnecessary new political tensions.

Instead of dialogue with the extra-parliamentary opposition, which would essentially depend on the security guarantees of its leaders and the practical details regarding its operation, the emergence of a new rebel group has already sparked conciliatory messages favouring dialogue over violence from various political parties and civil society organisations.¹²¹ They also recommended a consultative framework between all political actors on the consolidation of peace and democracy.¹²²

In a country where the risks of renewed outbreaks of political violence have heightened once again, the government should not underestimate the destabilising power of this rebellion.¹²³ Beyond the electoral disputes, it is obvious that the removal of Agathon Rwasa with the complicity of the interior minister as well as the numerous abuses and arbitrary arrests carried out against opposition activists, have fuelled feelings of resentment. The persistence of such practices could allow the rebel group to gain the legitimacy that it currently lacks, and would without doubt, attract new recruits.

The government should immediately invalidate the 4 August decision recognising Emmanuel Miburo as the legitimate FNL leader, restoring the former rebel chief to

¹¹⁶ Interview with Alfred Bagaya, FNL vice president talking on the “akabizi” show, Radio publique africaine, 24 November 2010.

¹¹⁷ See Crisis Group briefing, *Burundi: Restarting Political Dialogue*, op. cit.

¹¹⁸ “Burundi: discours de Nkurunziza”, op. cit.

¹¹⁹ This reconfiguration is even more opportune now with the announcement of the president’s support for the reinforcement of the forum and the availability of international funding to support it. Crisis Group interviews, political party leaders, Bujumbura, December 2010; Crisis Group interviews, diplomats, Bujumbura, January 2011; President Nkurunziza’s 2011 New Year’s Address, www.presidence.bi/spip.php?article1035.

¹²⁰ The permanent forum of political parties continues to function but the boycott by the opposition makes it a hollow shell. Political parties were therefore already invited, on 30 November 2010, to a consultative meeting on the issue of the status of the opposition but this meeting was boycotted by the ADC-Ikiburi parties.

¹²¹ It consists mainly of UPRONA and the Catholic Church from which a delegation discussed this issue with the president on 17 November 2010, in the margins of an audience which dealt mainly with the status of the church. Some political personalities also intervened publicly to recommend dialogue. Public conference of 20 December 2010 by the senator and former head of state Sylvestre Ntibantunganya for consideration at the Forum for the reinforcement of civil society (FORSC – Forum pour le renforcement de la société civile) on the theme of “Burundi After the Elections: Attainable Challenges”.

¹²² See the study from the Observatoire de l’action gouvernementale (OAG) entitled “Burundi: après les élections, le choix de sortir ou d’entrer dans la crise”, Bujumbura, November 2010.

¹²³ Instead of giving clear instructions to calm the situation, in October the president instructed his security services to finish off the armed bandits within three months. Crisis Group interview, security services official, Bujumbura, October 2010.

the leadership, and freeing all those individuals who have been unjustly imprisoned. In exchange for a commitment from Rwasa to renounce any form of armed violence, security guarantees and a proposal to drop charges should be offered to him so that he can come out of hiding and resume normal political activities. His nomination to a position equivalent to that which he occupied during the previous legislature, director of the National Institute of Social Security, should also be considered.

In order to advance dialogue, organisations would be required to take on the role of mediator to inspire the confidence of the two parties. In this respect, the ecumenical conference could propose its assistance in so far as religious leaders have assumed this role in the past.¹²⁴ In addition, the countries of the Regional Initiative for Peace in Burundi,¹²⁵ who were already active behind the scenes during the electoral cycle, could launch an appeal for dialogue between the FNL and the government, and send another high-level mission to promote the idea.

It would then be unacceptable for the rebel group to try and forcefully impose what it was not able to obtain through the ballot box. Holding new elections is out of the question, the vote having been boycotted by these same parties despite their legitimacy and the validation of them by local and international observation missions. Such a concession would not only give support to violence but would also create a new and dangerous precedent which could put in danger all the countries having to manage the electoral process, which are constantly the object of often unfounded challenges.

More generally, the government should get down to the job of improving governance and consolidating the rule of law, two of the main concerns raised by the opposition, civil society and the intellectual elite.

¹²⁴ The Catholic Church intervened on several occasions, in an official way and also more discreetly, in the mediation activities since the beginning of the Burundian crisis in 1993. In 1994, two representatives from the church participated in the mediation of the Kigobe and Kajaga Agreements which ended in the government agreement sanctioning power-sharing between FRODEBU, their allies and the opposition parties. In 2008, it was involved behind the scenes in the return to Burundi of FNL leaders exiled in Tanzania for the establishment of the peace agreements between this movement and the government.
¹²⁵ The Regional Initiative was created in 1995 by the Ugandan President, Yoweri Museveni and the Tanzanian President, Julius Nyerere. It included Uganda, Tanzania, South Africa, Kenya, Rwanda, DRC, Ethiopia and Zambia. It played a large role in accompanying the Arusha process by mandating Julius Nyerere, Nelson Mandela, then South African vice president, and Jacob Zuma, as facilitators of the peace negotiations and Charles Nqakula in peace negotiations with the FNL.

B. RESTORING THE RULE OF LAW AND FIGHTING CORRUPTION

The past legislature was marked by an erosion of the rule of law in Burundi, already weakened during the transition period between 2001 and 2005. This trend resulted in violations of the basic legal and judicial decisions,¹²⁶ the involvement of security service elements in the upsurge in criminality and political violence, the persistence of impunity,¹²⁷ the exploitation of the judicial system by the executive,¹²⁸ and the control of the ruling party over the National Assembly mainly due to the dismissal of 22 dissident deputies from CNDD-FDD in violation of the basic law.¹²⁹ Similarly numerous citizens have been discriminated against in the provision of basic services and in access to employment,¹³⁰ while the awarding of public works contracts has often been monopolised by those close to the ruling party.¹³¹

Even if the recent establishment of new national institutions illustrated a desire to respect the Constitution, the election of the communal directors infringed the electoral code in several districts. Moreover, the executive branch is once again interfering with the handling of judicial cases.¹³²

All these breaches and failures have fed frustrations, mainly in the urban areas, and have been manipulated by certain groups for the purpose of political violence. The president should respect his promise to promote “a fair and equal justice system and banning all tendencies for impunity”¹³³ and his wish to see “an independent justice system ... which functions without any pressure, a justice system whose only master is the law”.¹³⁴

¹²⁶ See Crisis Group Briefing, *Burundi: Restarting Political Dialogue*, op. cit.

¹²⁷ See notably, “The Pursuit of Power: Violence and Political Repression in Burundi”, Human Rights Watch, May 2009.

¹²⁸ Gervais Gatunange, “La primauté du droit au Burundi”, Ligue des droits de la personne dans la région des Grands Lacs, November 2010.

¹²⁹ See Crisis Group Briefing, *Burundi: Restarting Political Dialogue*, op. cit.

¹³⁰ Report on the reflection and sensitisation workshop on public office recruitment methods, organised by Parole et action pour le réveil des consciences et l'évolution des mentalités (PARCEM), Bujumbura, 14 October 2010.

¹³¹ Crisis Group interviews, businessman, Bujumbura, October 2010.

¹³² “Scandale a la 2eme vice-présidence de la République du Burundi dans l'affaires RPC 253 opposant Anne Marie Kaneza et Jocelyne Ndayishimiye”, Burundi Transparence, op. cit.

¹³³ “Burundi: discours de Nkurunziza”, op. cit.

¹³⁴ “Message a la nation de SE le président Pierre Nkurunziza au lendemain de la mise en place du gouvernement et au début de son second mandat de cinq ans a la tête du Burundi”, 2 September 2010, www.presidence.bi/spip.php?article714.

Consolidation of the rule of law relies on, amongst other things, the establishment and the reinforcement of institutional opposition forces. And yet, the establishment of some has been deferred indefinitely or they have been established in violation of the law. Therefore, the nomination of an ombudsman, an institution provided for in the 2005 Constitution but only created in November 2010, has been strongly contested because of the individual's association with the political bodies of the ruling party. Mohammed Rukara, the ombudsman, was until the time of his appointment, vice-president of the CNDD-FDD's Wise Committee – the most important decision-making body of the party – despite the stipulation in the law that this individual should be independent. Although this is true, he then brought on board individuals from a range of political parties, which bear witness to his will to work in complete independence.¹³⁵

As for the National Independent Human Rights Commission, also delayed for several years, the adoption of the government bill was blocked pending the definition of its area of expertise before a compromise finally led to its passage through parliament in December 2010, which was then promulgated in January 2011. Concerns over the financing of the commission and the procedure for appointing members remain as these two elements come under the control of the majority government.¹³⁶ Therefore, donor support to this institution should depend on the independence it displays.

Within the government administration, the law distinguishing technical posts from political posts should be applied urgently. This law was promulgated in March 2005 under the transitional government but has since then been rendered obsolete. This law made a list of the political functions and submitted the appointment for technical and senior administrative posts for job announcements followed by a classification of candidates, according to selection and merit criteria defined by an ad hoc commission. The appointment by decree took place only after the minister concerned had transferred the names of three candidates for each post available to the president taking into

account the classification of the candidates decided on by the ad hoc commission.¹³⁷

Unlike in its previous mandate, the judicial system should break away from the control of the executive branch and demonstrate its independence in handling cases, especially those relating to important political or financial issues. For this to happen, the composition and role of the Supreme Council of the Judiciary needs to be examined.¹³⁸ In this respect, the presidency of this body should be given to a career magistrate.¹³⁹ Similarly, this organ should oversee the career of the magistrates to protect them from pressure from the executive branch. Finally, civil society organisations involved in the justice sector should establish a periodic evaluation of the courts and tribunals, to be then communicated to the Supreme Council of the Judiciary and to the ombudsman.¹⁴⁰

In the justice sector, the start up of the transitional justice mechanism – a truth and reconciliation commission and a special tribunal – should be accelerated. According to public consultations held in 2009 and 2010 the large majority of Burundians are in favour of this.¹⁴¹ The president

¹³⁷ Law N°1/09 of 17 March 2005 applies distinction between political and technical functions.

¹³⁸ Article 217 of the Constitution stipulates that the Supreme Council of the Judiciary comprises: “five members appointed by government, three judges from higher jurisdictions, two magistrates under the public ministry, two judges from resident tribunal, three members practising in the legal profession in the private sector. The members of the second, third and fourth categories are elected by their peers”. Article 219 stipulates that this organ is presided over by the president assisted by the minister with justice within their remit. In fact, of the seventeen members of the Supreme Council of the Judiciary, seven come from or are directly appointed by the executive branch while the latter can control the three judges coming from the higher jurisdictions in so far as the peers who choose them are themselves appointed by the executive with the approval of the Senate.

¹³⁹ This question could be tackled during the harmonisation of the Burundian legislation with the current legal texts in the East African Community (EAC). Crisis Group interview, presidential official, Bujumbura, November 2010.

¹⁴⁰ Article 211 of the Constitution stipulates that “the Supreme Council of the Judiciary is the highest level of jurisdiction on disciplinary matters of the judiciary. It hears complaints from individuals or the ombudsman about the professional behaviour of magistrates as well as being recourse for magistrates against disciplinary measures or complaints about their role”. As regards the ombudsman, by virtue of Article 237 of the Constitution, this institution mainly has the responsibility to receive “complaints and lead inquiries concerning case handling errors and violations of citizens' rights committed by civil servants and the judiciary and make recommendations on this subject to the competent authorities”.

¹⁴¹ See the report of the National Consultation on the Establishment of the Mechanisms of Transitional Justice, Bujumbura, 20 April 2010.

¹³⁵ Crisis Group interview, ombudsman, Bujumbura, January 2011.

¹³⁶ The Integrated Office of the United Nations had made some suggestions for the creation of this commission aimed at parliament, taking into account the Paris principles which are the international norms approved by the United Nations relative to the statute, powers and functioning of national human rights institutions. The bill for a Burundian commission of this type had been modified and, as a result, the candidates for this commission must be validated by the parliament and the president and the funding of the commission must be approved by the government. Crisis Group interviews, former deputies, Bujumbura, August 2010; Crisis Group interviews, general secretary of FORSC, Bujumbura, January 2011.

should honour the promise he made during his inauguration speech to make their establishment one of his priorities.

The involvement of civil society and the media in strengthening the rule of law requires their commitment in the monitoring and evaluation of governmental policies on transforming the defence and security agencies.¹⁴² The rule of law will not be strengthened through denunciation and the documentation of human rights violations, instead it will mainly occur through increased dialogue which has already been started between the agency officials, the administration, the people and certain civil society organisations;¹⁴³ a partnership between these same organisations and the defence and security commissions of the two chambers of parliament;¹⁴⁴ the regular organisation of surveys to gauge popular perceptions on the service provided by the security forces; and an improvement in public understanding about security sector reform and its challenges.

The configuration of the two chambers calls for caution on the future role of the legislative power. Despite poor results from the most recent legislature, its renewal and the involvement of the president on the separation of the powers should favour a renewal of controls over government action, this could be helped by regular interaction between parliament and the civil society. Along these lines, and with the support of international partners, an observatory on parliamentary action could be set up where local NGOs and some media could follow the process for the adoption of laws. They could take the initiative in drawing up concrete legislative propositions, participate in parliamentary sessions, lead advocacy work with those institutions directly concerned by the bills, and they could also contribute to public debate on the texts. This work would also include a permanent follow-up mechanism on indi-

¹⁴² The Burundian government has been engaged in the reform of its security system since 2005. Various international cooperation agencies support the capacity strengthening activities to make the forces more professional. The activities are mainly training and strengthening in the military code of conduct for the National Defence Force (FDN). See S. More, "Les bailleurs européens et l'approche participative dans le secteur de la sécurité et de la justice au Burundi", Initiative for Peacebuilding, Clingendael Institute, 2010; W. Nindorera "Des principaux défis de la Police Nationale pour une meilleure sécurité publique et le renforcement démocratique", Centre d'alerte et de prévention des conflits (CENAP) and the North and South Institute, 2010.

¹⁴³ Various meetings of the kind have been started in Bujumbura and in other areas within the country during 2007, 2008 and 2009 mainly on CENAP's initiative. CENAP is a local non-governmental organisation.

¹⁴⁴ Actions have been led in this sense in 2009 thanks to the Dutch Cooperation who intervened in support of the security sector. They were not followed by results partly because it was close to the end of the previous legislature.

vidual voting patterns and an evaluation of the individual contribution of parliamentarians based mainly on their oral interventions.

Corruption has spread into practically all sectors of society today. The government ran an ineffective campaign against this well-documented problem which has been denounced by several international organisations.¹⁴⁵ Aware that this situation could have an effect on financial support provided by international partners,¹⁴⁶ President Nkurunziza announced, during his inauguration speech, a "zero tolerance" policy¹⁴⁷ against corruption and embezzlement. Since then, three officials from public companies have been arrested for their presumed role in corruption,¹⁴⁸ but problems have still arisen.¹⁴⁹ Reinforcement of administrative control and the inclusion of civil society are not only overdue but are vital in the battle to end economic crime and to convince the public and donors that the authorities at the highest level are serious in the fight against corruption.

To reactivate the fight against corruption, the general inspectorate, the body charged with auditing the management of business and public companies should be removed from under the president's charge to allow it to carry out its duties with complete independence. As the president also promised in his inauguration speech, the texts governing the anti-corruption institutions – the court and anti-

¹⁴⁵ "Le Burundi est le pays le plus corrompu d'Afrique de l'Est", Arib Info, 22 July 2010, www.arib.info/index.php?option=com_content&task=view&id=2282&Itemid=65. Between 2005 and 2010, Burundi dropped from 130th out of 158 countries to 170th out of 178 according to Transparency International's corruption perception index.

¹⁴⁶ Crisis Group interviews, diplomats, Bujumbura, January 2011. "Les bailleurs de fonds lâchent-ils le Burundi?", *Iwacu*, 21 January 2011.

¹⁴⁷ Following the example of his counterpart, President Joseph Kabila who has also launched a zero tolerance campaign in DRC.

¹⁴⁸ The general director of administration of the Sugar Society in Burundi (SOSUMO), the director general and the administrative and financial director of the Office of Public Transport in Burundi (OTRACO) are all accused by the special anti-corruption unit of misappropriation of funds from the companies they were running. Crisis Group interview, anti-corruption unit, Bujumbura, January 2011. "Plusieurs arrestations dans la lutte contre la corruption", Agence Panafricaine de Presse, 2 October 2010, www.burunditransparence.org/plusieurs_arrestations.html.

¹⁴⁹ In December 2010, OLUCOME revealed the existence of a 500 million dollar contract (an enormous sum for a country for which the 2010 revenue amounted to less than this) signed by the Burundian government. This contract was quickly cancelled after the revelation. "Une ONG dénonce un nouveau scandale politico-financier", Arib Info, 25 December 2010, www.arib.info/index.php?option=com_content&task=view&id=2906&Itemid=63.

corruption unit – should also be revisited to allow them to extend their field of investigations to include senior officials such as ministers, parliamentarians, generals and others who benefit from the privilege of immunity.

More generally, the size of the allocations made to the different institutions by the executive branch should also be looked at again as discrepancies are likely to favour dysfunction. For example, the Telecommunications Regulation and Control Agency (ARCT) which manages six mobile phone companies – the most profitable sector in Burundi today – was under the guardianship of the Ministry of Telecommunications before inexplicably passing under the direct control of the president.

Finally it is vital that Burundi's partners strengthen their support to civil society working on anti-corruption, and to the media relaying information about this work. This contribution could be made in the form of capacity strengthening programs such as professionalisation training or through membership of international networks and long-term financial support in order to assure sustainability. This support could also include protection mechanisms for those activists who risk their physical integrity through their undertakings.¹⁵⁰

C. PRESERVING THE GAINS FROM ARUSHA

The reform of the Constitution raised during the previous mandate is relevant once again. On the one hand, through Burundi's membership of the East African Community (EAC), which it has been the president of since December 2010, there is talk on the harmonisation of laws, including the Constitution, to bring them into line with those governing the sub-region.¹⁵¹ On the other hand, some CNDD-FDD officials have recently expressed the intention to amend the Constitution, without indicating precisely which clauses would be affected.¹⁵² According to the president of the ruling party, it would carry out a simple "cleaning" with-

out touching the balances outlined in the Arusha Agreement. Nevertheless, when the institutions were paralysed, President Nkurunziza said himself on several occasions that he was frustrated by some of the clauses of the Constitution that he judged restrictive. He mentioned in particular the principle of the two-thirds majority required to adopt laws, and the ethnic quotas.

While it could turn out to be useful to revise the Constitution, it would also be necessary to preserve the power-sharing system which helped to end the conflict, and to avoid a decline towards an authoritarian regime. However, the various clauses relating to the ethnic and political balance, despite their restrictive aspect, have reduced the risk of a drift towards authoritarianism and have noticeably reduced ethnic divisions. Even so, it would be difficult to believe that ethnic cleavages, never mind fears, have disappeared.¹⁵³ This issue was exploited in an informal way for electoral gains, both by the CNDD-FDD and the FNL during the election campaign.

Furthermore, when the issue of forced demobilisation of the security forces was raised along ethnic lines in 2008,¹⁵⁴ it became apparent that the respect for quotas was considered vital for political parties with a Tutsi-leaning and for a large part of the ethnic minority. Finally the geography of the election results confirmed the continuation of an identity vote. Consequently, the prospect of a suppression of ethnic quotas during a constitutional revision could rekindle tensions, weaken the security and defence agencies reform process, and eventually be taken up by radical Tutsi pressure groups, currently marginalised in the political arena, with the goal of destabilisation.¹⁵⁵

Given that the challenges of a constitutional reform project are particularly crucial in a post-conflict society, all steps taken should be as inclusive as possible.¹⁵⁶ Taking into account the new political configuration of the parliament and the weak representation of the opposition within it, it would be risky and even dangerous to limit

¹⁵⁰ Belgian politicians had already signalled their concern to the Burundian government over the threats received by the president of OLUCOME. Letter from Deputy Nahima Lanjri and Senator Sabine de Béthune to the Minister of Foreign Affairs of the Republic of Burundi, 6 December 2010.

¹⁵¹ This is more or less what emerged from a government retreat held in October 2010 during which it was decided that each ministry should establish a unit to identify legal texts for amendment. This process should have ended with an inventory of legislation to harmonise with those of the EAC and recommendations on the types of legislation affected (decrees, laws, etc). It already appears that the Constitution could undergo some amendments in this process even if the question has not been directly raised. Crisis Group interview, cabinet member, Bujumbura, November 2010.

¹⁵² Crisis Group interview, CNDD-FDD official, Bujumbura, January 2011.

¹⁵³ The competitive recruitment process which took place at the end of 2010 for the coveted Burundian Revenue Office (OBR) was stained with ethnic connotations. Some Tutsis who had passed the exam were then replaced by Hutus who had failed it. This matter, widely reported in the media, stirred feelings of uncertainty for the future among a number of Tutsi youth in the capital.

¹⁵⁴ Crisis Group Briefing, *Burundi: Restarting Political Dialogue*, op. cit.

¹⁵⁵ Mainly the party of the former head of state Jean-Baptiste Bagaza, Parti pour le redressement national (PARENA) and the association PA-Amasenkanya (Puissance d'Autodéfense) who claim to defend the interests of the Tutsi minority.

¹⁵⁶ The constitutional revision process is defined by Articles 297-300 of the Constitution. Recourse to a referendum is stipulated in Article 298.

the examination of this issue to parliament. Instead reflection on the reform project should be extended to all political parties, and also Burundian society as a whole. In order to do this, a reflection commission composed of political actors from different orientations and civil society representatives would be established with a mandate sufficiently long enough to collect the maximum contributions, at the national and international level. If needed, President Nkurunziza could include in this commission international experts who have already participated in similar processes in other countries emerging from conflict.

The consultation process must be conducted in the most transparent way possible to avoid manipulation. It should give a special place to disadvantaged groups and minorities in the hope of integrating legitimate concerns. It would conclude with the organisation of a referendum to give the new Constitution popular legitimacy. Finally, the objective of this constitutional reform project being the strengthening of peace and democracy, it should identify improvements to the institutional system and to conform the Burundian legal system to meet its obligations through its membership of the EAC.

D. MOBILISING INTERNATIONAL PARTNERS

The Regional Initiative countries, Burundi's main partners (France, Belgium, the Netherlands, Germany, Switzerland, the EU and the U.S.), the Integrated Office of the United Nations in Burundi (BINUB)¹⁵⁷ and the African Union Representation followed particularly closely the preparations of the electoral process and helped remove obstacles to its smooth running.¹⁵⁸ Aware of the technical limits of CENI, the United Nations Development Programme and bilateral partners played an advisory role and applied subtle pressure on the commission, even more so as they were providing most of the financing for the elections. Representatives of the international community often adopted common approaches. As such, the day after the communal elections, the latter signed a statement in the name of the "international community present in

Burundi"¹⁵⁹ to convey their observations and to urge the political parties in particular "to sign up to a logic of dialogue and to continue their participation in the electoral process".¹⁶⁰

In the same way, as soon as the opposition parties contested the results of the ballot, in a concerted move the main partners approached the heads of these parties to try to bring them back in for the continuation of the election process. A high-level delegation from the EAC even went to Bujumbura at the height of the electoral crisis.¹⁶¹ However, since this failure the international community has taken a step back, the presence of the UN has been significantly reduced and no common approach to the post-electoral crisis has been defined. This wait-and-see attitude by the international community can be explained by fatigue and the rhetoric of national sovereignty.

Consequently, the authorities were able to reinforce their repression of the opposition and some security forces were able to once again commit abuses and take excessive measures. However, it is unlikely that the government and the opposition would return to a process of dialogue and conflict prevention only under the pressure of a joint, proactive approach by the international community. With this in mind and taking into account the important financial support which Burundi receives,¹⁶² the member countries of the Regional Initiative, Burundi's main partners and the African Union should quickly coordinate to encourage the parties to return to negotiations to end the current political crisis.

In the same way, they should closely follow post-electoral violence and hold the government answerable to their commitments on human rights, good governance and respect for the rule of law, conditioning support to progress achieved. In this regard, BINUB should play a leading role within its new mandate defined by Resolution 1959 and coordinate formal and informal interventions in order to re-establish dialogue and consolidate the rule of law.

¹⁵⁷ On 16 December 2010, the United Nations Security Council adopted Resolution 1959 (2010) on the creation of BINUB as of 1 January 2011. This name change became official at a ceremony which took place on 31 December at the headquarters of the United Nations in Burundi. Since then, this new office, of which the elements and the mission have been the object of lively discussions between the Burundian government and the United Nations, should see its staff numbers drop from 450 to 60. It will also have the mandate to "facilitate dialogue between national actors", to support "the establishment of transitional justice mechanisms" and to "promote and protect human rights".

¹⁵⁸ See Crisis Group Report, *Burundi: Ensuring Credible Elections*, op. cit.

¹⁵⁹ Statement by the international community presented to Burundi on 3 June 2010.

¹⁶⁰ Nevertheless, the drafting of this text gave way to diverging views on the content of the message. The majority wanted to pass on a message of unreserved support for the election results, whereas a minority wanted to express some reservations on how the elections had been run. Crisis Group interviews, diplomats, Bujumbura, June 2010.

¹⁶¹ A delegation of foreign ministers from Uganda, Kenya and Tanzania was dispatched to Bujumbura in June 2010 by the EAC to meet ADC leaders.

¹⁶² Burundi receives overall budgetary support from the European Union amounting to €90 million over five years. Programme Indicatif National, 2008-2013.

In parallel, Burundi's partners should organise a tripartite roundtable with government and civil society to define a programme for the consolidation of democratic governance by joining hitherto scattered financial contributions. This programme would emphasise capacity-building in administrative control bodies such as the general inspectorate, the judiciary, and the security forces, and in civil society organisations working on the protection of human rights, supervision of the activities of security forces, the fight against corruption and the consolidation of democracy.

V. CONCLUSION

Burundi has made considerable gains in peace consolidation during recent years but still remains a fragile state. Just a few months after the elections, the political situation remains uncertain and the security situation concerning. In order to confront the growing insecurity, the CNDD-FDD favoured force and tried to destabilise the main opposition parties. With the emergence of a new rebel group being overlooked and the opposition marginalised, the re-establishment of political dialogue to end the post-electoral crisis and continue the process of peace and democracy consolidation is urgently needed.

Burundi's international partners, who seem to play down the underlying risks of the current political banditry and the marginalisation of the opposition, should not remain inactive. This attitude risks endangering the important efforts made since the inter-Burundian peace negotiations. On the contrary, along with religious leaders, they should mobilise again for a resumption of all party dialogue and the establishment of an agenda for democratic governance oriented towards the support of institutional checks and balances and civil society. Too often, countries coming out of conflict return a few years later because of an overly strong concentration of powers and the disengagement of international actors.¹⁶³ Today, ten years after the Arusha agreements were signed, as Burundi continues to seem like a fragile state, this double error should not be repeated and the consolidation of peace and democracy should be relaunched.

Nairobi/Brussels, 7 February 2011

¹⁶³ Ethan B. Kapstein and Nathan Converse, "Young Democracies in the Balance: Lessons for the International Community", Center for Global Development Brief, January 2008.

APPENDIX A

MAP OF BURUNDI



APPENDIX B

RESULTS OF THE COMMUNAL AND LEGISLATIVE ELECTIONS

Communal elections

Political parties	Total percentage of votes nationally (%)
CNDD-FDD	64.03
FNL	14.15
UPRONA	6.25
FRODEBU	5.43
MSD	3.75
UPD	2.21
FRODEBU-Nyakuri	1.36
CNDD	1.26

Source: EU – Election observation mission, final report 2010

Legislative elections

Political parties	Percentage of votes obtained (%)	Number of seats before co-option ¹⁶⁴	Number of seats after co-option	Percentage of seats obtained (%)
CNDD-FDD	81.19	80	81	76.41
UPRONA	11.06	16	17	16.04
FRODEBU-Nyakuri	5.88	4	5	4.72
Twa		0	3	2.83
TOTAL			106	100

Source: EU – election observation mission final report 2010

¹⁶⁴ By respecting the constitutional demands on ethnic quotas and gender, CENI co-opted a Tutsi woman (CNDD-FDD), two men (UPRONA, Tutsi and FRODEBU-Nyakuri, Hutu) and three representatives from the Twa ethnic group.

APPENDIX C

POST-ELECTORAL VIOLENCE: POLITICAL BANDITRY

Acts of political violence were dotted throughout the entire electoral process.¹⁶⁵ Directed against both CNDD-FDD members and also opposition party members, this violence was characterised by destruction of property, arbitrary arrests and confrontations ranging up to murders. No-one contested the form of this violence; on the other hand, post-election violence was attributed by the authorities to “armed criminals” and therefore came under common-law criminality characteristics of post-conflict society. And yet, criminal analysis highlighted the political dimension of this violence and the hidden organisation which underlies it.

Change of protagonists

During the electoral process violent incidents were often the acts of youth movements from various political parties,¹⁶⁶ however the agents of violence have now changed. More and more often these violent acts are taking the form of clashes between security forces and armed groups, as in the example of the clashes of 23 November on the Rukambasi hill in the Vugizo village, situated in Makamba province.¹⁶⁷ Some incidents have directly targeted the security forces such as the attack against the police post in Buganda village in Cibitoke province on 7 October,¹⁶⁸ or the ambush in Murwi village in the same province leading to the death of a soldier from the regular army on the night of 24 October. Since January, in Bujumbura Rural province police positions have been regularly targeted by armed men such as the attack on the night of 7 January at Kiyenzi in Kanyosha village where several police were killed.

The attacks are well-organised, as in the example of the attack launched in Bujumbura against the residence of the head of the National Intelligence Services (SNR – Services nationaux de renseignement), General Adolphe Nshimirimana. On 20 October, armed men attacked the residence of the head of the SNR in Mutanga Nord area. According to witnesses, the assailants clashed with the guard of the intelligence chief and shots were exchanged for over half an hour.

The attacks and assassinations were clearly targeted. The murder of nine employees of a sugarcane plantation in Gihanga in Bubanza province on 15 September 2010 targeted the Tanganyika Business Company, a company owned by a close friend of President Nkurunziza.¹⁶⁹ During the night of 6 September, two CNDD-FDD activists were shot and killed by men in military uniforms in Kabezi village. The governor of Bujumbura Rural province did not hesitate in labelling them “political killings”.¹⁷⁰ In December alone in Bujumbura Rural province, almost ten assassinations, all of them carried out with firearms, targeted local officials from the ruling party and the opposition parties.¹⁷¹

Change in operating methods

The method of operating has also changed. Weapons used during violent incidents occurring before and during the electoral cycle were essentially bladed weapons and grenades. And yet, for several months, the use of rifles and shotguns has become prevalent. In addition, according to the commander of the Congolese army in charge of the 43rd operational sector “Amani Leo”,¹⁷² a crate of AK-47 ammunition was abandoned by FNL fighters when fleeing from an incident in the east of Congo at Kibila’s sugar company in South-Kivu.¹⁷³ The last report from the United

¹⁶⁵ The Amatora mu Mahoro association has identified twenty cases of murder as well as 47 attempted murders linked to electoral violence during the period from 26 April to 12 September 2010. The victims were mainly card-carrying members or political party activists. “Rapport final du système de monitoring des principes démocratiques et de prévention de la violence électorale”, Amatora mu Mahoro, 26 April-12 September 2010, www.burundi.ushahidi.com.

¹⁶⁶ The youth movements affiliated to the CNDD-FDD and to the FNL were respectively the Imbonerakure and the Ivyumavyindege. These two groups have been found guilty of many acts of violence since the end of 2009.

¹⁶⁷ Crisis Group interview, local Burundian National Police officer, Makamba, 25 November 2010.

¹⁶⁸ “Burundi: la police attaquée par des homes armés dans l’Ouest”, www.arib.info, 9 October 2010, www.arib.info/index.php?option=com_content&task=view&id=2642&Itemid=76.

¹⁶⁹ An attack led by FNL commandos according to sources close to the rebels. Crisis Group interviews, former members of the FNL, Bujumbura, September 2010.

¹⁷⁰ “Burundi: deux militants du parti au pouvoir tués près de la capitale”. www.arib.info, 7 September 2010, www.arib.info/index.php?option=com_content&task=view&id=2498&Itemid=76.

¹⁷¹ Crisis Group interviews, security force officials, Bujumbura, January 2011.

¹⁷² “Sud-Kivu, des affrontements entre FARDC et FNL signalés à Kibila”, *Le Potentiel*, 10 November 2010.

¹⁷³ On 8 November, FNL fighters confronted Congolese soldiers in Kibila, a town not far from Uvira, in South Kivu. Two workers from Kibila’s sugar company were killed and four FNL attackers were arrested by Congolese soldiers.

Nations Group of Experts on the Democratic Republic of the Congo indicated that the FNL were supplying themselves with arms in South-Kivu, largely thanks to the complicity of the Congolese army.

For its part, the government is suspected to be behind an increase in extrajudicial killings, notably with the discovery of FNL ex-combatants. Since September, twenty or so bodies have been found floating in the Rusizi river at the mouth of Lake Tanganyika in the northwest of Bujumbura. Despite the fact that some bodies were found decapitated, some of the victims were able to be identified and were found to be affiliated with the FNL.

A change in location and a geographic concentration of incidents

In the survey, carried out by the association Amatora mu Mahoro, of major incidents which occurred between 26 April and 12 September 2010 in Burundi, it appears that the Gitega, Bujumbura City Hall, Bujumbura Rural and Ngozie provinces are the most affected.¹⁷⁴ However, since September, there is a geographic concentration of the most striking incidents in the west, in Bubanza and Bujumbura Rural provinces and in the capital. This change in location of violence to the former FNL strongholds – in the cases of Bubanza and Bujumbura – is not insignificant.

The presence of more significant weapons, the typology of incidents, the profile of victims and the *modus operandi* go against the theory of the authorities who claim that the fight is against “armed criminals”. They indicate that a covert fight between the FNL, members of other movements and the government security services began several months ago and has already resulted in victims on both sides.

¹⁷⁴ See Graph 3 from “rapport final du système de monitoring des principes démocratiques et de prévention de la violence électorale”, Amatora mu Mahoro, 26 April-12 September 2010, www.burundi.usshahidi.com.

APPENDIX D

GLOSSARY

ADC-Ikibiri	Alliance des démocrates pour le changement au Burundi
ADR	Alliance démocratique pour le renouveau or “ADR-Imvugakuri”. An opposition party, member of ADC
APRODH	Association for the protection of human rights and detainees (Association pour la protection des droits humains et des personnes détenues)
ARCT	Telecommunications Regulation and Control Agency
BINUB	United Nations Integrated Office in Burundi
BNUB	United Nations Office in Burundi
CDP	Council of Patriots. A member of ADC, opposition party (Conseil des patriots)
CENAP	Conflict Alert and Prevention Centre
CENI	Independent National Electoral Commission
CEPI	Independent Provincial Electoral Commission
CNDD	National Council for the Defence of Democracy, member of ADC
CNDD-FDD	National Council for the Defence of Democracy – Forces for the Defence of Democracy
CNDP	National Congress for the Defence of the People
COSOME	Coalition de la société civile pour le monitoring du processus électoral
CPD	Country Programme document
DRC	Democratic Republic of Congo
EAC	East African Community
EU	European Union
EURAC	European Network for Central Africa (Réseau européen pour l’Afrique Centrale)
FAB	Ex-Burundian armed forces
FAR	Ex-Rwandan armed forces
FARDC	Congolese armed forces (Forces Armées de la République Démocratique du Congo)
FCP	Funds for Peace Consolidation (Fonds pour la consolidation de la paix).
FDD	Front pour la Défense de la Démocratie
FDLR	Democratic Forces for the Liberation of Rwanda (Forces démocratiques de libération du Rwanda)
FDN	National Defence Force (FDN)
FEDS-Sangira	A political party, initially member of the ADC-Ikibiri
FNL	Forces nationales pour la libération. Main opposition party, member of ADC ¹⁷⁵
FNL iragi rya Gahutu Remy	Forces Nationales de Libération iragi rya Gahutu Remy
FORSC	Forum for the Strengthening of Civil Society (Forum pour le Renforcement de la Société Civile)
FPR	Rwandan Patriotic Front (FPR)
FRF	Federalist Republican Forces (Forces républicaines fédéralistes)
FRODEBU	Front for Democracy in Burundi
FRODEBU-Nyakuri	“Real FRODEBU”, a dissident party of FRODEBU, close to the authorities

¹⁷⁵ A minority wing of this party, close to power, has officially taken over the administration since August 2010. That said, it does not control the base or the actions led by Rwasa, the historical head of this party.

MSD	Movement for Solidarity and Democracy
OAG	Observatoire de l'action gouvernementale
OBR	Burundian Revenue Office
OLUCOME	Organisation for Combating Corruption and Financial Misappropriations
OTRACO	Office of Public Transport
PA-Amasenkanya	Puissance d'Autodéfense
Palipehutu-FNL	Parti pour la libération du peuple Hutu et forces nationales de libération
PARCEM	Parole et action pour le réveil des consciences et l'évolution des mentalités. A local NGO
PARENA	Party for National Recovery (Parti pour le redressement national)
PIEBU	Party for Economic Independence (Parti pour l'indépendance économique du Burundi). A limited political party close to the authorities
PIT	Independent Labour Party (Parti indépendant des travailleurs)
PMP	Parliamentary Monarchist Party
PPDRR	Party for Peace, Democracy, Reconciliation and Reconstruction
RADEBU	Rassemblement des Démocrates pour le Développement au Burundi
REGIDESO	State-owned water and electricity production and distribution company (Régie de Production et Distribution d'Eau et d'Electricité)
RPB	Rassemblement du peuple burundais. A party close to the government
SNR	National Intelligence Services (Services nationaux de renseignement)
SOSUMO	Sugar Society in Burundi
UN	United Nations (Organisation des Nations unies)
UPD	Union for Peace and Development (Union pour la paix et le développement)
UPRONA	Union for National Progress (Union pour le Progrès National)

APPENDIX E

ABOUT THE INTERNATIONAL CRISIS GROUP

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

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

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

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Crisis Group's international headquarters are in Brussels, with major advocacy offices in Washington DC (where it is based as a legal entity) and New York, a smaller one in London and liaison presences in Moscow and Beijing. The organisation currently operates nine regional offices (in Bishkek, Bogotá, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina and Tbilisi) and has local field representation in fourteen additional locations (Baku, Bangkok, Beirut, Bujumbura, Damascus, Dili, Jerusalem, Kabul, Kathmandu, Kinshasa, Port-au-Prince, Pretoria, Sarajevo and Seoul). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Bangladesh,

Burma/Myanmar, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, Russia (North Caucasus), Serbia and Turkey; in the Middle East and North Africa, Algeria, Egypt, Gulf States, Iran, Iraq, Israel-Palestine, Lebanon, Morocco, Saudi Arabia, Syria and Yemen; and in Latin America and the Caribbean, Bolivia, Colombia, Ecuador, Guatemala, Haiti and Venezuela.

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February 2011

APPENDIX F

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