

Transition and continuity in Burundi



On 20 May 2020 Burundians went to the polls to elect their next head of state as well as members of Parliament and local councillors. What was behind President Pierre Nkurunziza's decision to give up on his attempt to extend his rule? How would this play out? Beyond these questions, this report attempts to assess the possible profile of the new government, the power struggles that are likely to result and their possible consequences for future governance in Burundi.

Key points

- ▶ Despite Nkurunziza's renunciation of a fourth term in office, the various polls on 20 May are likely to lead to a new deadlock.
- ▶ The last five years of the CNDD-FDD in power have resulted in an autocratic drift, with diverse socio-economic consequences.
- ▶ A change of president offers Burundi the opportunity to move away from chaotic governance with harsh consequences for the population.
- ▶ The future head of state must rid himself of the influence of his troublesome predecessor and a circle of powerful generals if he is to undertake the necessary reforms and improve the living conditions of Burundians.
- ▶ Despite the CNDD-FDD party's intention to avoid any further crises and to give a democratic stamp to the elections, its determination to stay in power at all costs could undermine the credibility of the electoral process and elected institutions.

Recommendations

- ▶ Political parties and players should ensure that the election results do not lead Burundi into a new crisis.
- ▶ International actors should take advantage of the opportunities that succession provides to facilitate a change of governance in Burundi.
- ▶ Torn between openness and continuity the likely future head of state, Evariste Ndayishimiye, will have to rid himself of this double guardianship in order to carry out the changes necessary to guarantee better living conditions for Burundians.

Introduction

On 20 May 2020, Burundians were called upon to choose their future leaders for the fourth time since the end of the civil war (1993-2003) during presidential, legislative and communal elections. The country is still feeling the effects of the 2015 crisis caused by President Pierre Nkurunziza's attempts to seek a third term in office in contravention of the 2000 Arusha peace and reconciliation agreement. Since 2000 Burundi has experienced a slide into repression characterised by the erosion of freedom and democracy in conjunction with massive human rights violations sufficiently severe to have prompted the International Criminal Court to investigate.

The election was held in a political space in which only the hegemonic party, the National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD-FDD) is able to function unrestricted. Nevertheless, unlike in the presidential elections of 2010 and 2015, which were boycotted by the opposition, several opposition parties participated, including the National Freedom Council (CNL), led by Agathon Rwasa. The CNL is the only party that can compete with the CNDD-FDD. Moreover, to everyone's surprise, President Nkurunziza declined to stand for a fourth term, after having imposed a new Constitution in 2018, opening the way for a change of leadership.

Since 2000 Burundi has experienced a slide into repression characterised by the erosion of freedom and democracy

At its national congress on 26 January 2020 the CNDD-FDD appointed its Secretary-General, Evariste Ndayishimiye, as the party's presidential candidate. While this change might have enabled the relaxation of the political climate and the facilitation of transparent elections, the sweeping powers and the brutality of the repression of opponents and dissident voices indicate the opposite. Electoral processes in Burundi have historically foreshadowed new crises; only the 2005 elections were inclusive, credible, and unanimously accepted by politicians. The potentially open nature of the elections and, therefore, the uncertainty about their outcome could amplify the risk of their being manipulated and precipitating a new crisis.

This report that was finalised before the announcement of final results, addresses the issues at stake in the elections. It is divided into five parts. The first concentrates on Nkurunziza's quest to remain in power and the main events that led to the current configuration of competing political players. The second reviews the main forces involved. The third part examines the political and security context, the legal and regulatory framework of the elections and the possible scenarios; a section is dedicated to international actors. The following part provides a situational analysis of Burundi and, through this, an overview of the multiple challenges awaiting its political institutions in the future. The fifth part focuses on the possible profile of the

MAY 20, 2020

PRESIDENTIAL, LEGISLATIVE,
AND LOCAL ELECTIONS

new government and on the resulting power struggles and their possible consequences for the direction of governance in the country.

Nkurunziza defeated

A new Constitution

The aborted elections of 2015, the result of Nkurunziza's wish to seek a third term, triggered a crisis that motivated the international community to exert strong pressure on the regime to begin an inclusive dialogue under the aegis of the East African Community (EAC) to find a solution to the political impasse. Keen to relieve these pressures, Burundian authorities responded at the end of 2015 by organising a national dialogue.

Although it was officially open to all the nation's political forces and components, with the exception of those suspected of having been involved in putsches and those accused of crimes, the process excluded most opponents and civil society figures. This manoeuvre aimed to pull the rug from under supporters of the process, who were backed up by international actors. Not surprisingly, the composition of the commission responsible for deciding on the topics, participants in and conclusions of these conferences had responded to an order from the ruling power, which controlled developments from start to finish.

The new Constitution was adopted after a referendum held in 2018 in an intimidating and repressive environment

The Burundian regime managed to reduce the pressure significantly by maintaining an intransigent position with regard to the conditions of its participation in external discussions and in relation to the various demands of the international organisations involved in the process. It was helped by the incoherence and dithering of the international community and the divisions within the EAC over the Burundi crisis, as well as by the withdrawal of countries in the region from involvement in the constitutional reforms.¹

The national dialogue also achieved another objective: while the excuse that internal discussions were being held did not escape observers, very few of them

had anticipated one of its ultimate purposes, which was intended, according to its backers, to result in constitutional reform that would reset the counter for the presidential term to zero, thus allowing the president to stay in power, a hypothesis that is, however, debatable.²

Nkurunziza was personally involved throughout this process of constitutional reform, to the point of prescribing each stage and circumventing the requirement that the new text be approved by Parliament, which he considered too risky.³ Moreover, beyond the extension of the duration of the presidential term and the possibility that Nkurunziza would be allowed to seek two further consecutive terms, several changes to the new fundamental law clearly show the mark of the head of state.⁴ The new Constitution was adopted after a referendum held in 2018 in an intimidating and repressive environment.⁵ During his speech on 7 June, the date of the promulgation of the Constitution, Nkurunziza announced, to general astonishment, that he would not seek a fourth term.

The fourth term that did not happen

In 2015 the president's wish to seek a third term and the subsequent attempt to force it through sparked a strong internal challenge within the CNDD-FDD, to the point of causing an internal crisis that was contained using heavy-handed methods, purging the party of all rebels and, therefore, of most of its moderate leaders. This led to an attempted putsch, partially directed by some of those who had been comrades-in-arms of the president during the seven-year civil war known as the *maquis*.

By the end of 2014 Nkurunziza had already been subject to significant pressure from a large group of generals who demanded that he put an end to the absolute power of the duo of Adolphe Nshimirimana, director-general of the intelligence service – SNR, and Alain Guillaume Bunyoni, chief of the president's civil cabinet.

According to this group the two were responsible for actions that were tarnishing the country's image.⁶ In order to avoid alienating many of the heads of the security forces Nkurunziza quickly complied, moving the pair to less important positions.⁷ Thereafter he worked to gain the support of several members of the group by granting them coveted positions and/or benefits. Several of them, who were critical, in private, of the prospect of his

third term, began to side with him and his scheme, and participated in the ensuing repression.

During his inauguration in 2015, in order to moderate the pressures and disputes, the president made a public commitment that this would be his last term. In 2018, having expressed the desire once again to stay in power, Nkurunziza found himself, for the second time, confronted by the criticism of his generals, who pushed him to step down and respect the transfer of power, which would have been the subject of a tacit agreement when CNDD-FDD got into government. To these strong internal pressures would have been added those of the sub-region, which was faced with the *fait accompli* of constitutional reform.⁸

Finally, some sources suggest that the real result of the constitutional referendum may have influenced the president's decision. Contrary to the landslide officially announced by the Independent National Electoral Commission (CENI), this consultation of the people, viewed as a plebiscite favouring the head of state, gave rise to a far more nuanced result, with a 'No' vote prevalent in several provinces despite the repression of those who supported it.⁹ The conjunction of all these factors apparently swayed Nkurunziza. Nonetheless, he did not concede defeat, using various schemes to try to take back control.

The underground battle between Nkurunziza and his generals

The coming months were marked by power struggles and, above all, by an underground battle between the president and several of his generals. Instead of attempting another about face, which would be both dangerous and hard to justify, Nkurunziza intended to control the succession process to the benefit of one of his supporters.

According to several people close to him, he is extremely suspicious and wary of even his closest collaborators. Having suffered – and still suffering – deception, underhand tricks and betrayals, he has become so mistrustful that, since the attempted coup in 2015, he no longer leaves the country.¹⁰ Moreover, aware of the crimes that could haunt him,¹¹ Nkurunziza needs strong guarantees of protection from the international justice system and the judiciary of his own country.

It is for these reasons, according to credible sources, that he tried to propose his wife, Denise Nkurunziza, as his successor before backing down in the face of protests. After flirting with other scenarios he finally settled on Pascal Nyabenda, President of the National Assembly, a candidate backed by the West Burundi region, which considered itself to have paid a heavy price during the struggle for 'liberation'.¹² Nyabenda, a civilian with no military past, had the advantage of being perceived as timid and easily influenced and not being able to claim the legitimacy of the *maquis*. In short, he would be inclined to submit to Nkurunziza's influence once Nkurunziza retired from power.

Nkurunziza intended to control the succession process to the benefit of one of his supporters

However, a core of high-level generals wanted the position to go to a veteran of the *maquis*. The party's secretary general, Evariste Ndayishimiye has a double claim to legitimacy – his knowledge of the party's workings and his experience as former rebel. Nkurunziza implicitly lured him with the possibility of being selected while at the same time giving similar assurances to Nyabenda. In the end, in the face of strong pressure from the generals as the party congress approached, he found it impossible to pull the strings as he wished and decided to abandon his scheme.

The political forces in the running

The CNDD-FDD's third term in power (2015-2020) was marked by various setbacks for the opposition, which had an impact on the political landscape. The government overcame aggressive challenges by small rebel groups and the opposition as a whole, against which it was victorious in a diplomatic and political battle of attrition. Finally, the opposition became weaker and more fragmented than it had been in 2015 when the creation in exile of the National Council for the Respect of the Arusha Agreement (CNARED) had given hope to many in the opposition. The narrowing of the political space, the many restrictions imposed on internal opposition and the repression to which it was subjected resulted in many of its members giving up.

At the same time, the CNDD-FDD consolidated its grip on all institutions, and even extended its control to several key sectors of Burundi's economy that had long been monopolised by foreign groups and the former Tutsi elites. Its members greatly enriched themselves and its omnipotence almost turned the country into a one-party state. The CNDD-FDD took over many institutions of state and several scandals show that it subjected these institutions to the directives of shadowy forces within the party.¹³

Still, the omnipotence of the CNDD-FDD can be deceptive. The crisis had serious socio-economic repercussions, from which Burundi has still not recovered. Burundians have seen a drop in their standard of living and many of them continue to be subjected to various taxes while others are victims of state repression. The popularity of the party in power will inevitably be affected, with Agathon Rwasa's CNL likely to gain support from many of those disappointed in the CNDD-FDD. In a context in which, at the same time, a small group of officials, together with several oligarchs, have become economic predators, the presidential party has seen the ranks of its detractors increase.

The CNDD-FDD: A party imprisoned by the ghosts of the past

The CNDD-FDD tries to cultivate its image as a party of the people. So, during its first years in power, the new regime tried to get closer to the rural masses and some of its actions seemed to indicate a desire to break with former governments, which were highly centralised in Bujumbura. The former rebels are, however, struggling to rid themselves of some habits inherited from their experience of being a rebel movement: a culture of secrecy, an obsession with plots, the use of force and intimidation to the detriment of dialogue and compromise, the use of force against those who refuse to cooperate, and so on.

Despite becoming a political party in 2004, the CNDD-FDD remains under the influence of a group of generals who perpetuate the militarisation of the party. These officers, called '*abarugwane*' ('those who fought'), who, although forbidden to join any political party, regularly interfere in the management of the party and public affairs, citing their role in the liberation of the country. Their name, '*benemugambwe*' ('the owners of the party'),

as opposed to the '*banyamugambwe*' ('the members of the party'), reveals this propensity to use the party as an instrument.

These interferences are justified by the need to defend the interests of the party and the ethnic majority against attempts at sabotage, or revengeful acts or a reversal of the popular will by other political forces; an insinuation directed at the former Tutsi elites. However, since the generals involved earn considerable revenue from their control of the party, the motive for their actions appears more likely to be financial interests and identity dynamics.¹⁴

That being said, Nkurunziza has remained the kingpin in the political game. His power has been significantly reinforced since the major purge of the party and the various amendments to its statutes. His position as President of the Committee of Wise Men, the party's supreme body, together with his role as head of state, gives him real authority in the CNDD-FDD. This supremacy does not prevent him from being regularly opposed by the generals when they feel their interests are threatened.

The former rebels are, however, struggling to get rid of some habits inherited from their experience as a rebel movement

The sources of the tensions and repetitive crises faced by the party are its authoritarian nature, its neo-patrimonial practices, the absence of internal debate, the lack of transparency in decision making, personality clashes and the diversity of its members' backgrounds. The last internal purge, in 2015, strengthened the circle of generals as well as the repressive role of formal and informal security structures. The *imbonerakure*, the party's youth organisation, controls almost all areas, imposing its law and holding the population to ransom.¹⁵

The unknown CNL

The CNL, the former rebel group that spent close to 30 years underground before re-entering the political system in 2009, is constantly changing. An ethnic Hutu group, a consequence of decades of military rule that excluded

the Hutu majority, it was previously known as the Party for the Liberation of the Hutu People (PALIPEHUTU), which was formed in 1980. It became PALIPEHUTU-FNL in 2001 and took the name National Forces of Liberation (FNL) during its transformation into a political party in 2009, keeping that name until, in 2015, it merged in a short-lived coalition of independents going by the name *Amizero y'Abarundi*. It finally regained the status of a political party in 2019 as the CNL.

The one constant in two decades of changing identity has been Agathon Rwasa, who has been at its heart since 2001. It is difficult to characterise the CNL as its political discourse has evolved over time without a clear theme.

In 2005 the movement rid itself with difficulty of its ethnic identity just as the state experienced an ethnic and political change with the arrival in power of the CNDD-FDD.¹ It was only upon its entry into the formal political terrain and with the perspectives of the 2010 elections that its rhetoric adapted to the reality of the moment, its policy centring more now on problems of corruption and bad governance.

In the face of fierce repression, militant members probably expected their elected representatives to show more determined opposition

Today this rhetoric remains unchanged, although it is mindful of the necessity for change in the face of prevailing poverty. Like most other political parties in Burundi the CNL appears to have little to say, possibly as a consequence of the ideological weakness of the Burundian political class.

The questionable decision to enter the formal political arena in 2015 even as the *Amizero y'Abarundi* coalition advocated a boycott of the elections, branding them a 'charade',¹⁷ put the CNL in an ambiguous position. It is a member of both the government and the opposition in the National Assembly, where it cannot play its role as an opposition party for fear of transgressing the law.¹⁸ In the face of fierce repression, militant members probably expected their elected representatives to show more determined opposition in the National Assembly.

Finally, faced with repression by the administration and the *imbonerakures* of its activities in the provinces, the CNL has been reduced to perpetuating the propaganda strategy it used during decades underground.

The question arises whether the themes that characterised it when it was underground are similar to those it now espouses openly. In other words, did Agathon Rwasa actually abandon his uncompromising position based on ethnicity, which was a legacy of the *maquis*, to take on the role of a moderate and thoughtful leader?

Years spent in civil society within institutions have probably changed him. The time he spent at the head of the National Institute of Social Security have given him a reputation among its staff as an upright leader. The appraisal of his role as vice-president of the Parliament is more complicated, given the ambiguities of the parliamentary group of his former *Amizero y'Abarundi* coalition, which regularly plays the role of the echo chamber of this institution.

A plethora of satellite political parties

Despite the closure of its political space, Burundi has nearly 40 authorised parties, of which more than half are close to the CNDD-FDD. The opposition parties that are still active have, for some time, experienced a certain visibility through the CNARED, in which they were largely grouped. As this opposition platform is currently in a semi-lethargic state, these parties no longer dare attempt to make their voices heard for fear of reprisals from those in power.

The only criticism still heard in the political sphere, apart from one or other of the deputies of the former *Amizero y'Abarundi* coalition, comes from the representatives of the dissenting wings of the traditional parties, the Union for National Progress (UPRONA) and the Front for the Democracy of Burundi (FRODEBU). Both of them were formed before the CNDD-FDD but are now only a shadow of their former selves.

UPRONA, a party dominated by the Tutsi minority, is divided into several wings, of which the two dissident ones are not legally recognised. Some members of one of these wings seem to have joined the CNL, which lacks experienced Tutsi leaders, and others have joined the Movement for the Rehabilitation of the Citizen (MRC), a small element of Tutsi opposition. The officially recognised

wing of UPRONA plays the role of institutional partner to the CNDD-FDD, which, in turn, uses UPRONA as an alibi to validate its image of ethnic tolerance. UPRONA will merely play the role of an extra in the elections.

FRODEBU-Nyakuri, the pro-governmental wing of the party of the same name, is unlikely to do better. Sahwanya FRODEBU, its rival, is torn between those in the party looking to get closer to the ruling power and supporters of the opposition game represented by its presidential candidate. Its chances of attracting a large number of votes are further limited now that the party is plagued by divisions.

The regime got the better of both the opposition and the international community

The other political parties have no popular support. The majority are in the CNDD-FDD's sphere of influence, while others swing between this position and moderate opposition, as circumstances demand. Several of these parties participated in past elections, where they above all, served as a guarantee of democracy. It is very unlikely that any of them will reach the critical threshold of 2%, which allows participation in the National Assembly, unless this percentage is 'attributed' to them in order to provide some diversity.

Risky elections

Drift towards autocracy

The regime got the better of both the opposition and the international community to emerge slowly from its diplomatic isolation. It is now attempting to present to the outside world an image of a normalised Burundi. Not satisfied with having brought the security forces to heel and manipulating the judiciary, the government began to extend its grip on other institutions and to 'cleanse' them to remove individuals deemed to be too neutral or not easily influenced.

Nkurunziza learned lessons from the 2015 crisis when those in charge of key institutions refused to let themselves be used, almost jeopardising his power grab.¹⁹ The result was numerous changes made to the control mechanisms, opposition, reconciliation

and conflict management in order to ensure their subordination. The CENI, the Truth and Reconciliation Commission, the Constitutional Court, the Ombudsman and the Independent National Commission on Human Rights are all, to varying degrees, subservient to those in power. At the same time, the higher ranks of the public and security services have, to some extent, been purged of Tutsis. The diplomatic service has only two ambassadors from this community and the National Intelligence Service does not have one Tutsi representative at provincial level.

Furthermore, the authorities have considerably strengthened various laws, notably in relation to public freedoms, prosecution of crimes and civil society organisations. This has allowed them to guarantee greater control of the media, civil society and international non-governmental organisations (NGOs), all of which bodies are regularly at risk from the arbitrary nature of the law or the whims of the authorities.²⁰

Since November 2019 four journalists from the only mainstream media organisation still critical of the government, *Iwacu*, were imprisoned for having covered a rebel incursion in the Kibira forest, the traditional sanctuary of armed movements. Two of the few local NGOs still working within the sensitive areas of governance and conflict resolution were suspended. These measures are clearly aimed at intimidating the opposition and pushing it towards self-censorship.

Meanwhile, despite their caution, the supporters and leaders of the opposition are still subject to arrest and various forms of intimidation.²¹ The CNL, strengthened by its popularity, is the principal target of government oppression. It was officially authorised in February 2019 despite strong resistance from the top. Its legal recognition unleashed a wave of brutal repression against its members, with some local officials being assassinated.²² More generally, arbitrary arrests and detentions, kidnappings and extrajudicial executions have not stopped since the 2015 crisis; in 2019 alone at least 371 people were killed, 45 reported missing, 257 tortured and 1 046 arbitrarily arrested, according to the principal human rights organisation, the Iteka league.

Certainly, there are fewer incidents of serious human rights violations than there were at the peak of the repression, in 2015 and 2016, but the numbers are

still high for a 'normalised' country. In the provinces in particular, abuses by the *imbonerakure*, who patrol the country, holding ordinary citizens and occasionally local and international NGOs to ransom, are a daily occurrence. Having worked to acquire the status of citizens, after decades of military regime, Burundians have returned to the rank of subjects, exploitable at will.

The presence of Burundi rebel groups in the east of the Democratic Republic of Congo (DRC) does not seem to have particularly affected security, aside from one or two inconsequential forays. On the other hand, two violent incidents between security forces and a non-identified armed group remain shrouded in mystery. In November 2019 a military position of the Burundian army in Cibitoke province, inside Kibira, was attacked and routed. In the face of this military setback, which they for once acknowledged, the authorities first maintained an embarrassed silence and then accused Rwanda of being responsible.²³ In February 2020 an exchange of fire in the Bujumbura Heights was followed by the arrest of about 20 alleged assailants. Various organisations state that most of those arrested were executed.²⁴

Arbitrary arrests and detentions, kidnappings and extrajudicial executions have not stopped since the 2015 crisis

Although the government has not yet named the perpetrators of this alleged attack, which was unaccompanied by political demands, CNL activists were arrested immediately afterwards. A few months beforehand the CNL had denounced the government's attempts to blame it for a rebellion and arrest its leaders. Beyond the administrative motives often put forward to justify the arrests of party activists, the latter are often victims of various common crimes or assassinations, as local authorities target them in their investigations.

Having been particularly targeted at the height of the crisis, the active or demobilised members of the security forces of Tutsi ethnicity are today increasingly subject to arrest and even extrajudicial execution. For some months the regular army has been registering desertions and the authorities suspect that some of the absent

soldiers have joined rebel groups. Indeed, members of the security forces belonging to the Tutsi ethnic minority or from the town of Bujumbura are among the groups the authorities suspect of sympathy for, or even complicity with the rebels.²⁵ In short, despite the appearance of normality Burundi has not truly emerged from the crisis and many Burundians continue to live in a climate of fear and intimidation.

A more restrictive legal framework for elections

The Electoral Code of 2014 was the subject of wide consultations organised under the aegis of the United Nations (UN) office in Burundi, and was finally adopted by mutual consent. Some of its innovations, introduced in the 2018 Constitution, made a new electoral code necessary. Moreover, the CENI, which supervised the referendum, had greatly exceeded its mandate and therefore had to be replaced. A draft electoral code was therefore drawn up. Unlike in 2014 the process was hurried, only one day was scheduled for discussion with the political parties and not all of them were represented because there was a delay in sending out the invitations.

In general, the main objections to the electoral code that was adopted in 2019 are the removal of the lists of independent candidates, the exorbitant deposit required from presidential candidates and the conditions for its reimbursement, the excessively restrictive nature of nationality requirements for presidential candidates and the large number of documents required from municipal candidates.

Paradoxically, the voters' register was not really the subject of controversy, although it showed a 25% increase in voter numbers over five years, during which hundreds of thousands of Burundians had sought refuge in countries in the sub-region or in the West. Moreover, the data processing software for the register was provided by a Burundian company with strong links to a high-ranking official close to the ruling party.

The other reason for protest was the composition of the CENI branches at provincial and communal level – they are considered to be skewed in favour of the party in power and its allies. The legal and regulatory framework, however perfect it may be, is not the best guarantee of credible, transparent elections. The CENI, whose composition was approved during a session boycotted

by the representatives of *Amizero y'Abarundi*,²⁶ is independent in name only,²⁷ one of the commissioners even giving free rein to his partisan opinions in virulent Tweets about alleged opponents.

The Constitutional Court, the appeal court, being itself under command, means that the authorities control both these institutions. In addition, with the Ministry of the Interior, which is responsible for supervising the elections, the Territorial Administration, the Security Forces Command, the judiciary and the state media all being partisan, there was a risk that the electoral process would be further flawed, while international monitoring was reduced to a minimum and local observers were hand picked. Finally, there were important questions being asked about the regime's ability to carry out the voting operations physically, logistically and technically, the electoral process being entirely funded and organised by the national authorities for the first time.²⁸

On the eve of voting, there were still important questions about the regime's ability to carry out the voting operations

While political parties have adhered to a code of 'good conduct', as has the National Communication Council, which presented a code of conduct for the media during the electoral period, the media, which were not consulted, have not all signed it. Two media outlets refused to heed the ban on broadcasting, via any channel, results other than those published by GENI or even results of surveys relating to the elections.

Avoiding a new electoral crisis

'In Africa, elections are not organised to be lost.' This reflection by Omar Bongo, former president of Gabon, could sum up the prevailing mindset among the continent's leaders. Nevertheless, the CNDD-FDD was far from complacent, and continued to show signs of feverish preparations up to voting day. Already in 2018 the referendum process – during which Burundians had been forcibly enrolled, harassed and compelled to vote – had led to violence, with those suspected of supporting a 'No' vote being arrested or beaten. The campaign was

punctuated with calls for brutality, torture and even the physical elimination of all those in favour of a 'no' vote.²⁹

This climate of fear and repression did not stop Rwasa militants from defying those in power by demonstrating in favour of the 'no' vote once the referendum campaign was officially opened. The recognition of the CNL also resulted in a new struggle between Nkurunziza and his generals, who considered it to be a serious threat to their power. Since then, the brutal repression of its activists has involved intimidation and bringing the CNL to heel in order to neutralise it in the elections.

The generals also opposed the return of former high-ranking officials who had defected from the CNDD-FDD and gone into exile after the 2015 crisis and are not facing prosecution. They include Gervais Ruffyikiri, former Second Vice-President of the Republic (2010-2015) and Jérémie Ngendakumana, former leader of the CNDD-FDD (2007-2012). The two did not hide their desire to participate in the elections. Fearing numerous defections in support of these figures by those within the ruling party who are respected and capable of mobilisation, the generals vetoed their return, which had originally been approved.³⁰

Conscious of the socio-economic crisis faced by Burundi and the growing discontent of the population about the CNDD-FDD's role in it,³¹ the authorities were focused on neutralising their political opponents. They were therefore highly unlikely to foster an environment conducive to credible elections. The most plausible scenario is that they would dictate the outcome in a climate of intimidation and repression focused on the main contender, the CNL.

Without predicting the results, and in the absence of opinion polls, it is difficult to envisage an overwhelming victory for either the CNDD-FDD or the CNL, as the results of the different elections are likely to be close. But it will be no great surprise if the GENI proclaims the victory of the CNDD-FDD presidential candidate and strong results for the same political party in the other two elections, ensuring the party a comfortable majority in Parliament.³² Indeed, the authorities seem to rule out the possibility of defeat.

At the same time they will attempt to avoid a new crisis and surround the electoral process in a legal shroud, with a view to legitimising the results. These two objectives

are hard to reconcile when the actions of those in power have often contradicted their stated intentions. Yet Agathon Rwaswa has repeated several times that his party is unwilling to accept non-credible elections.³³ This does not bode well for the future.

Several scenarios could emerge depending on various factors. These include whether or not significant irregularities are obvious and their extent, the nature and scope of the challenge the CNL may mobilise, the degree and willingness of the international community to become involved in the event of an electoral crisis and the openness of the authorities to dialogue and a possible compromise. Scepticism and reservations about the commitment of the international players are understandable.

An electoral crisis could flare up if conclusive evidence lends support to allegations of a victory stolen from the CNL

On the basis of the above, and taking into account the various parameters listed, Burundi is likely to be spared an electoral crisis if the CNL is lawfully defeated or if, in the event of a questionable defeat, it realises that the balance of power is against it and it comes under significant pressure to settle for the results that have been agreed upon.

Either scenario may be considered, especially since it is unlikely that Rwaswa would take extreme measures. However, an electoral crisis could flare up if conclusive evidence lends support to allegations of a victory stolen from the CNL in any of the elections and if the resulting dispute spirals out of control. In this case, only a strong, concerted and coordinated response from the international community would enable a negotiated solution.

The international community: A wait-and-see approach

In 2015 the EAC was given the task of managing the Burundi crisis. The organisation, which has little experience in conflict management, was initially determined to carry out its task, but internal differences among member heads of state over personal conflicts and geopolitical shifts undermined this determination and

resulted in overly cautious initiatives. After three years of trial-and-error and stalemate former Tanzanian president Benjamin Mkapa, the appointed facilitator, threw in the towel and, since then, the organisation seems to have buried the case. No other organisation has been able to take over the management of the Burundi crisis to the satisfaction of the authorities.

The African Union (AU) had shown an interest in intervening,³⁴ but received no approval or support for its proposals from the EAC or international actors. The main impediment was the attitude of the Burundian government, which has always been resolute in its determination to prevent 'any attempt to encroach on its sovereignty'.

In addition, in 2018, the year before Mkapa's official resignation, there were a number of skirmishes between the AU and the Gitega regime. The authorities had responded vehemently to criticism of the constitutional referendum by the chairperson of the AU Commission. Later that same year the AU Commissioner for Peace and Security was snubbed during a visit to Bujumbura and a few weeks later³⁵ the withdrawal of 1 000 soldiers from the Burundian contingent of the African Union Mission to Somalia was announced, further straining relations between that body and the Burundian government.

Since then, the secretary-general of CNDD-FDD visited the AU headquarters, where he met with the chairperson of the commission. The pan-African organisation, now seeking to avoid any clash with the government, has removed Burundi from the agenda of Peace and Security Council meetings and has³⁶ watered down its rhetoric on the matter.³⁷ It would especially like to have been able to discuss with the government the organisation of the election.

The chairperson of the commission had been expected in Bujumbura at the start of April but the visit was cancelled due to the COVID-19 pandemic. The AU's request to send an electoral observation mission was politely declined. The body is no doubt waiting to see the course and outcome of the elections before adopting a coherent position towards Burundi. It will probably be the organisation that will react most promptly in the case of a new electoral crisis, given the limited possibility of the EAC becoming embroiled yet again in the quagmire in Burundi.

The EAC had initially planned to send an election observation mission and had, in fact, sent an exploratory mission, despite the fact that the Burundian authorities had stated that they did not wish to receive foreign missions. In the end, this didn't materialise due to the COVID-19 restrictions.

Up to now the EAC has avoided dealing with Burundian crisis, without admitting any side-stepping, and it seems unlikely that it will reinvest itself since other member countries – Tanzania (October 2020) and Uganda (2021) – are scheduled to hold elections soon. In both those countries the process seems to be off to a bad start, with Uganda in serious danger of facing an electoral crisis while its president officially retains the position of mediator in the Burundian crisis. Will he be willing or able to get involved again when he may have to manage a critical internal situation or will he agree to pass on the Burundian file, in this case to the AU?

Despite the persistence of its engagement in the Burundi crisis, the UN is hampered largely by the antagonistic positions of permanent members of the Security Council and the firm line of the Burundi authorities. In 2019 the UN Special Envoy resigned and there have been clear disagreements within some of the body's institutions. Burundi has not been on the agenda of the meetings of the Security Council since 30 October 2019, the day the special envoy submitted his report.

Despite the temporary suspension of direct aid to the Burundian government, the European Union (EU) remains an important partner in the sphere of development. It is also involved in various major infrastructure projects. This does not stop the Burundian authorities from regularly targeting it in their diatribes.

Unlike regional and sub-regional African organisations, which still refrain from publicly criticising the Burundian authorities despite persistent serious human rights violations, Europeans keep a careful watch on the human rights situation. This is reflected in the resolution adopted by the European Parliament on 16 January 2020. In line with the position it has adopted since the start of the crisis, the EU will hold back from all major initiatives in the case of an electoral crisis, even though it may encourage certain regional initiatives.

An exhausted country facing multiple challenges

When the new officials take office in August 2020 they will hold in their hands the future of a drained country confronting multiple challenges. A small, isolated and overpopulated state, highly dependent on the outside world for aid and imports, Burundi is one of the poorest countries in the world: 65% of its population lives below the poverty line.³⁸ The economic growth between 2004 and 2014 after years of recession during the civil war has been reversed.

Although the economy has not collapsed, it is more fragile than ever. The state has increased its domestic debt and accumulated numerous outstanding debts that mortgage the future of key public and private companies. While the rate of population growth has been stable at 3.2% for several years, the growth of GDP went from an average of 4% in 2004-2014 to a negative curve during 2015 (-3.9), 2016 (-0.6) and 2017 (-0.5), returning to a clear economic recovery from 2018 (1.6) and continuing the same modest trend in 2019.³⁹

More than 80% of the population is dependent on agriculture. The country's foreign exchange earnings depend, for the most part, on tea and coffee exports. The coffee sector, which sustains about 600 000 families, is, however, going through difficult times. The challenges involved are, among other things, related to the instability of the revenue it generates and the payment difficulties encountered by coffee makers, who are starting to lose interest and are favouring other types of food crops.

The AU's request to send an electoral observation mission was politely declined

The mining industry, notably gold mines and significant reserves of rare-earth metals, offers new opportunities and could eventually become the premier source of cash and substantially replenish the state's coffers, giving a new momentum to the economy. The governance of this sector is hampered by its lack of transparency, the interference of senior officials who have an interest in the sector, trafficking and smuggling, the difficulties related to repatriating the revenue generated by the sector and the weakness of the supervisory bodies.

Burundi is still barely industrialised and its economy is impaired by the paucity of the infrastructure — the country has one of the lowest rates of access to electricity in the world — and its high dependence on foreign input. The dearth of cash has aggravated problems for businesses. It has also seriously impaired certain sectors and placed numerous businesses in difficulty, including BRARUDI, the largest taxpayer in the country. The crisis has had damaging consequences for the job market, with unemployment among young people reaching 65%.⁴⁰ Furthermore, the business environment has been polluted by generalised corruption, relegating Burundi to the bottom of the list of countries with attractive investment opportunities.⁴¹

The future of rural society is seriously jeopardised by the demographic pressure on land. There is a decreasing amount of available land⁴² and what there is is less fertile. This aggravates food insecurity, which is already amplified by climate hazards. The level of food insecurity is more than double that of the overall average in sub-Saharan Africa.⁴³ Every year overpopulation in the countryside pushes thousands of young people towards the towns and an increasingly uncertain future, or sends them back to rural under-employment, a phenomenon accentuated by the number of those who drop out of school.

Burundi has faced various epidemics such as malaria, the last of which affected almost six million people.⁴⁴ Though the progress made with maternal health may have been sustained to some extent, numerous shortages, notably of pharmaceuticals, and the state's very limited means, have weakened an already failing health system.

Education faces a multitude of problems including a fall in overall standards. Finally, Burundi has recently suffered from climatic disruptions, with disastrous consequences for the environment, infrastructure and dwellings made from fragile materials. In the town of Bujumbura alone, a lack of properly thought-out urban planning and appropriate drainage has meant that torrential rains have led to landslides, with deadly consequences, and the total or partial destruction of bridges, roads and numerous houses.

The road network serving the country's interior is dilapidated in parts and, in the absence of rapid intervention, the movement of people and goods could be impaired in the long term in a large portion of the

country. Lake Tanganyika, previously one of the most fish-rich lakes in the world, has lost biodiversity due to pollution of its waters, overfishing, hydrocarbon exploration and climate change.

Moreover, almost 350 000 refugees have fled the country,⁴⁵ not including the thousands of Burundians who have been exiled in the West since 2015 and the many economic refugees in South and East Africa. The country also has just over 110 000 internally displaced people.⁴⁶ This new Burundian diaspora includes a large proportion of journalists from independent media outlets and prominent figures from civil society and the opposition.

At the end of April 2019, four years after the start of the crisis, the number of people killed by members of the security forces and the *imbonerakure* was estimated

Every year the overpopulation in the countryside pushes thousands of young people towards the towns

at 454, the number of people kidnapped or missing at 527 and the number of cases of torture by state officials and related forces was 793, according to the *Iteka ligue*. Thousands of people contributed to increasing the prison population. Although certain prisoners were granted a presidential pardon, very few were actually able to get out of prison due to multiple interferences.⁴⁷ Beyond these figures, Burundi is bottom of the class in the different international classifications (poverty, governance, the Human Development Index, food safety, attractiveness, and so on) and has a disastrous image, especially in the international press.

A 'conflict-prone' scenario⁴⁸

Is the future head of state ready to take on such a legacy or will he generate momentum for change? As soon as he was nominated as his party's presidential candidate Evariste Ndayishimiye eagerly declared that he would follow in the footsteps of his predecessor, as if he could already see himself sitting in the presidential seat. In private he says something different, talking about the need for 'openness' and speaking out against bad governance.⁴⁹ However, he endorsed the party's predatory practices and most of the actions

of the circle of generals throughout the CNDD-FDD's years in power. In any event, the next president will be caught between the battles for influence confronting him. His room for manoeuvre will depend on his ability to overcome these pressures.

Evariste Ndayishimiye was born in 1968 in the province of Gitega, in the centre of Burundi. In 1995 he escaped the massacre of Hutu students at the University of Burundi, where he was studying law. He later joined the CNDD-FDD rebellion and eventually became one of its military leaders. He was promoted to general in 2003. After the inclusion of the rebel movement in the establishment at the end of that year, he became a member of the Joint Ceasefire Commission.

In 2004 he was named logistics chief of staff in the National Defence Force (FDN), which he left for the position of Minister of the Interior from 2006 to 2007. He then became military chief of staff of the Presidency (2007-2014) before being appointed general manager of the Burundian Warehouse Management and Ground Handling Company (SOBUGEA) from 2014 to 2015, civilian chief of staff to the Presidency from 2015 to 2016 and the secretary-general of the CNDD-FDD. In 2020, he was nominated as the party's presidential candidate. He is married and is the father of six.

An equation with 'three unknown variables'

In the course of the three terms of the CNDD-FDD, with the exception of a short period in 2007-2008 when the National Assembly was paralysed by the party's loss of the majority required for the adoption of the laws prescribed by the 2005 Constitution, the governing party's decisions have rarely been contested in Parliament. Yet they have been the object of debate in the shadowy circles of power or the factions within it. It is highly likely that the CNDD-FDD will win a comfortable majority in the National Assembly, enabling it to continue to govern. The scenario may be similar for the next president, whose concerns may reflect those of his predecessor, among others. In fact, those concerns could emanate from his predecessor.

Having failed to win himself a fourth term, Nkurunziza awarded himself numerous privileges, consisting

of considerable financial and material advantages, guarantees of protection and various positions and rights that will unavoidably make him a stakeholder. Following the adoption in January 2020 of a new law on former heads of state, another law established him as the Supreme Guide of Patriotism at national level. At the beginning of 2018 he was awarded a similar distinction by his party, becoming its Permanent Guide.

These positions and related rights were apparently granted to satisfy the president's desire to retain control over the party and a certain oversight over the running of the country. There has always been competition for rights between the party and the various state institutions, the majority of the latter being under CNDD-FDD control. Nkurunziza, having managed to install himself as the supreme authority within his party, has also succeeded in insulating himself progressively from pressures, without managing to do the same for the generals who are invested with 'special' powers.

Ndayishimiye has often occupied high office and more often than not demonstrated his loyalty to the president

Significantly, he had the party statutes amended during the congress on 26 January to ensure that from then on the president of the CNDD-FDD Committee of Wise Men would be the party's Permanent Guide, though the position had, until then, been reserved for the leading figure in the highest office in the country! All this bears witness to the fact that Nkurunziza is intent on keeping a hand on the country's affairs, or, at the very least, on preserving his interests.

On the opposing side is a group of generals whose key offices within the state suggest that they will be loyal to the future president. Having fought to impose their candidate on the presidential election, indirectly contributing to his rise to head of state, these former *maquis* members will wait until they receive their reward, which will involve being maintained in or promoted to high office and preserving their business interests.

The future head of state will therefore be under strong pressure to fulfil the needs of Nkurunziza and his generals. The latter group, however, have opposed

Nkurunziza several times, with regard both to the nominations and to important decisions. While they all fundamentally want to preserve their advantages and privileges and promote their own interests, including in business, it is very probable that they have diverging interests and often find themselves at odds with one another. The new president will therefore be at high risk of being caught up between these groups.

Towards timid and incoherent policies?

Ndayishimiye, who has been represented, without doubt incorrectly, as a close ally of Nkurunziza, has often occupied high office and more often than not demonstrated his loyalty to the current president. However, their mutual respect seems limited and they differ on many points.⁵⁰ He is not known as a wheeler-dealer. Nor is his name associated with the crimes attributed to the regime. Admittedly, in his current position he has undoubtedly covered up certain economic malpractices, particularly in public contracts on which the party would receive substantial commission.

At another level, Ndayishimiye is not known for his vision. Moreover, he is a member of the establishment who has no track record of opposing the dangerous excesses of the regime. According to various people who know him, he is not a risk taker and is even considered to be timid. Uncomfortable in public appearances, which have led to some awkwardness, he is not always very articulate. On the other hand, he is sociable and quite conciliatory in nature.

Some speak of him as an openminded person, an opinion not shared by several of his opponents.⁵¹ He is one of the few leading figures in the country who occasionally receives European diplomats. A devout practising Catholic, he is said to have resumed talks with the clergy even after having had some very unpleasant words to say about them. He has also had considerable experience with negotiation, which, in principle, could facilitate his declared willingness to be open both to the opposition and to the international community.

The three months between the presidential election and the inauguration could prove to be a crucial period for consultation, reflection on policy and gauging the balance of power. The ability of the future head of state to receive and listen to diverse groups and varied

opinions will be a good indication of his propensity for openness. In any case, out of political pragmatism he will probably be obliged, in the first instance, to take decisions together with various centres of power, namely the CNDD-FDD and, through it, Nkurunziza, given his various positions.

It is likely that those he consults about forming his executive and making senior appointments will include some generals. In this regard the make-up of the government and its entourage, appointments to key posts and, in particular, the president's ability to include technocrats or figures renowned for their competence will be the first indicators of the direction he wishes to give the country. They could suggest a desire to stand out from his predecessor in the absence of change, or, conversely, a tendency towards continuity, even if this might reverse over time.

The CNDD-FDD is particularly keen to maintain a dominant position in the country

Ndayishimiye seems to be aware of the current socio-economic problems and wants to resume economic growth leading to better living conditions for the population. Bearing that in mind, he should be eager to persuade development partners to lift sanctions by assuring the international community of his willingness to change. However, the promised openness is likely to remain limited and well managed, somewhat like that of President Emmerson Mnangagwa in Zimbabwe.

His character is more imbued with the culture inherited from the *maquis* than with democratic values.

Furthermore, he is not a hardliner in the military, he is a member of the secret circle of generals who have always hindered the democratisation of the party and the country. He is also likely to be concerned with consolidating his power, which, given the current radicalisation of his party, may be incompatible with too much openness. From this perspective one should expect superficial changes that could result in a negotiated return of part of the external opposition and a few minor measures aimed at giving the illusion of opening up the democratic space.

The CNDD-FDD is particularly keen to maintain a dominant position in the country. A return, for example, to free and unrestricted media is hardly conceivable, as the party did not take kindly to the harsh criticism of some of the media before 2015. Admittedly it is possible to envisage a degree of de-escalation of the current level of repression without seeing an end to the abuses of the security forces, mainly the SNR and the *imbonerakure*.

At the same time it is unlikely that the new head of state will address the issue of corruption vigorously, as this would alienate those who benefit most from it. The crisis of governance is not due solely to Nkurunziza, who has often personified the Burundian problem, the damage is deeper, with origins, in, among other things, the nature of the CNDD-FDD itself.⁵²

With Ndayishimiye likely to be inclined to pursue a cautious policy without any real coherence, the first months of his term will probably be marked by behind-the-scenes power struggles that will quickly lead to tensions and, eventually, to conflict. In addition to potential conflicts of interest between the future president and his predecessor, there could also be conflicts of interpretation of each other's prerogatives. Nkurunziza's powers within the party allow him, among other things, to define the direction the CNDD-FDD could give to the leadership of the country.

The law on the status of the Supreme Guide of Patriotism stipulates that the holder of that position is to be consulted on matters relating to the 'safeguarding of national independence and the consolidation of patriotism and sovereignty'; concepts that are sufficiently vague to give rise to differences in interpretation. Finally, Nkurunziza, just 56 years old, could have ambitions of returning to power in 2027. Although there are so many potential sources of tension between the two personalities, the Constitution gives important prerogatives to the head of state which he could use to rid himself of this pressure.

Conflicts are also possible with the generals. The circle of generals is not always consistent, its members vary

according to circumstances. In the event of outbreaks of tension, the future head of state could co-opt some and gradually sideline others, although this could prove to be a slow process.

The term of office is long enough to enable the incumbent to consider seriously renewing command of the defence and security forces, which would extricate them from past allegiances. Almost 20 years after the integration of the different warring factions into the same police, army and intelligence service, it is now time to integrate into the high command of these bodies people who have never belonged to the former rebel movements and regular forces in a bid to depoliticise and professionalise them.

Conclusion

The last five years of the CNDD-FDD in power have resulted in an autocratic drift, with diverse socio-economic consequences. Despite Nkurunziza's renunciation of a fourth term in office, the various polls on 20 May are likely to lead to a new deadlock, the results of the presidential election remaining undecided between, on the one hand, Agathon Rwaswa, president of the CNL, the main opposition party, and on the other, the CNDD-FDD candidate, Evariste Ndayishimiye. Despite the party's intention to avoid any further crises and to give a democratic stamp to the elections, its determination to stay in power at all costs could undermine the credibility of the electoral process and, consequently, of the elected institutions.

Political parties and players should ensure that the election results do not lead Burundi into a new crisis. A strong and coordinated intervention of international stakeholders could forestall this prospect and enable the country to consider the changeover as an opportunity to move on after five difficult years. Evariste Ndayishimiye, likely future head of state, torn between openness and continuity in order not to alienate his troublesome predecessor and a group of generals, will have to rid himself of this double guardianship in order to carry out the changes necessary to guarantee better living conditions for Burundians.

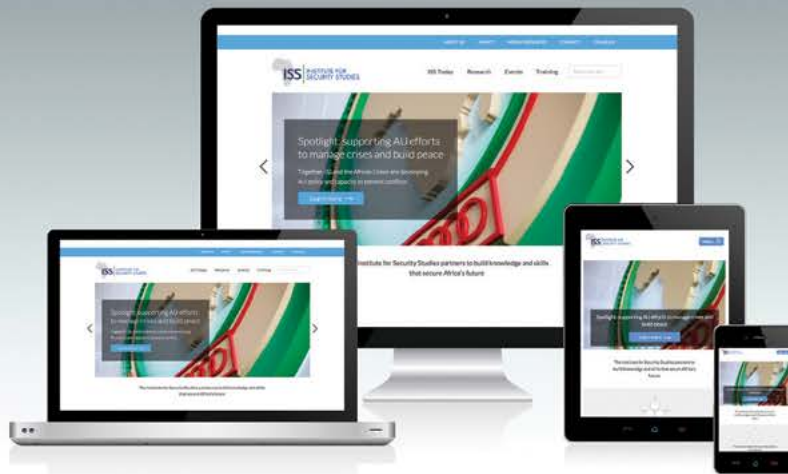
Notes

- 1 Rwanda, Uganda and Congo Brazzaville have made constitutional changes to maintain their heads of state in power longer than the initial period stipulated by the Constitution.
- 2 See, in particular, S Vandeginste, Constitutional reform and limiting the number of presidential terms in Burundi: Two questions that remain unanswered, Institute of development policy, University of Antwerp, 2018, www.uantwerpen.be/en/research-groups/job/publications/analyses-and-policy-briefs/apb-2018/apb-27/.
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- 17 As *Amizero y'Abarundi* had registered before officially boycotting the elections CENI counted the percentage it would have won and it was allocated seats in the National Assembly. A debate followed within the party about whether or not to occupy these seats, Rwaswa and the former FNL eventually joining the Assembly, while some of those elected refused to sit.
- 18 Participation in government is constitutionally incompatible with opposition.
- 19 In 2015, the vice-president of the Constitutional Court refused to endorse the president's candidacy, fled the country and subsequently denounce the pressure on and threats against the court. The vice-president of the CENI and another member also fled the country, preventing the body from having a quorum.
- 20 See S Vandeginste, Ethnic Quotas and Foreign NGOs in Burundi: Shrinking Civic Space Framed as Affirmative Action, *Sage Journal*, 2019, <https://journals.sagepub.com/doi/full/10.1177/0002039719881460>.
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- 35 The AU Commissioner for Peace and Security had not been received by the Nkurunziza, although he had been given guarantees in this regard.
- 36 Burundi has not been on the Peace and Security Council's agenda since 2016. In 2018 the Commissioner for Peace and Security merely reported to the council of the mission carried out there.
- 37 The account of the political and security situation in Burundi in the address of the AU Special Representative for the Great Lakes Region to the Peace and Security Council on 10 January 2020 is rather complacent; his account of the situation seems to reinforce the image of a normalised country.
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