

Burundi, 2010 General Elections

UN Integrated Electoral Assistance Case study

Background

Burundi witnessed the outbreak of massive violence between Hutu and Tutsi ethnic groups in 1993. An international brokered peace plan paved the way, after solving many obstacles, for the 2005 general elections. Prior to the elections, a power sharing agreement had taken place to assure that no single ethnic group would be able to impose their decisions on the other; this ethnic balance was enshrined in the Constitution through a referendum. These elections benefited from heavy international support, including from the UN Operation in Burundi (ONUB). After the elections, some armed opposition groups remained at large and could finally be brought in to participate in the 2010 elections. However, the elections results were not accepted by the main opposition parties and one armed opposition group presents still a danger for Burundi nowadays. This demonstrates that political calculations of participating parties can hamper all international support provided to an electoral process, leaving a negative mark on the legitimacy of the elected representatives. Therefore, 2nd generation elections have also to be managed carefully to avoid relapse into violence. The conduct of the elections were complicated due to the need of holding 5 elections in the period of 4 months due to legal provisions, with one elections result (communal) affecting negatively the following elections. This shows that mechanisms have to be found to guarantee the buy in of all national stakeholders at all stages of the elections process. While this is easier said than done, the accumulative experience of the United Nations and other organizations should enable the international community to further restrain this type of situation in the future.

This case study will first show the differences on the political and international support angle between the 2005 and 2010 elections, to move on towards political and electoral issues and finally the UN structures in place to support the electoral process, with a special view to show Integrated Electoral Assistance (IEA) operating and main findings for recommendations included in the main body of this lessons learned study.

2005 elections

The 2005 elections were supported by ONUB (DPKO mission under chapter VII mandate)¹ with a strong electoral mandate. An independent electoral commission (CENI) was in place, but the overall assessment is that it was more of a spectator of the process than an active actor in implementing the various phases of the electoral process. The number of UN military and civilian support staff was immense, with more than 120 staff working only at the Electoral Assistance Division (EAD).

In 2010, some 30 international UN staff supported the elections (experts and UNVs) and the United Nations Integrated Office in Burundi's (BINUB) support was targeting the political level with regard to the electoral process, while UNDP took care of most UN technical assistance. In the 2010 elections the CENI was the steering force, unlike in 2005.

¹ See attachment 1 for a list of all UN missions in Burundi since 1993

On the political level, in 2005 all national partners wanted out of crisis and the elections were perceived as a way out and they agreed on the results. The 2010 elections were seen as a way to consolidate democracy, and some national stakeholders were unhappy with the results and challenged them and boycotted the following elections. Another difference with 2005 was that there was no competition between the UN mission and UNDP on UN electoral assistance, as almost all election support was provided by UNDP and other UN agencies.

There was political continuity between the mission's led departments from 2005-2010. After the 2005 elections the UN downgraded the mission (ONUB) to a political mission at the Government's request, even though some rebel movement hadn't joined the peace process. DPA requested DPKO to support the mission (BINUB), which they did until 2010.

Political context for the elections

In June 1993 the first democratic elections were held in Burundi². However, in October 1993 violence erupted and an estimated 300,000 people, mostly civilians, were killed and refugees fled, mainly to Rwanda. Following the request of the United Nations Secretary General Boutros Boutros-Ghali to intervene in the humanitarian crisis, African leaders began a series of peace talks between the warring factions. Talks were initiated under the aegis of former Tanzanian President Julius Nyerere in 1995; following his death, South African President Nelson Mandela took the helm. Both parties to the conflict signed agreements in Arusha (Tanzania) and Pretoria (South Africa) to share power in Burundi. The agreements took four years to plan, and on 28 August 2000, a transitional government for Burundi was agreed upon as a part of the Arusha Peace and Reconciliation Agreement. The transitional government was placed on a trial basis for five years. After several aborted cease-fires, a 2001 peace plan and power sharing agreement was successful. A cease-fire was signed in 2003 between the Tutsi-controlled Burundian government and the largest Hutu rebel group, CNDD-FDD (National Council for the Defense of Democracy-Forces for the Defense of Democracy).

In 2003, Front for Democracy in Burundi (FRODEBU) leader Domitien Ndayizeye was designated as President, after having served as vice-president under Pierre Buyoya from 2001 until 2003. In early 2005, ethnic quotas were formed for determining positions in Burundi's government³. Throughout the year, elections for Parliament and President occurred. In 2005, Pierre Nkurunziza, once a leader of a Hutu rebel group, was elected to President. The Burundian government engaged in talks with the Hutu-led Palipehutu-National Liberation Forces (NLF) to bring peace to the country. The AU could finally convince the last remaining armed groups to return to Burundi in 2009.

UN involvement

African Union (AU) peacekeepers were deployed in 2003 to help oversee the installation of a transitional government in Burundi. In June 2004, the UN stepped in and took over peacekeeping responsibilities as a signal of growing international support for the already markedly advanced peace process in Burundi. The main difficulty the operation faced at first was the continued resistance to the peace process by the last Tutsi nationalist rebel group. This organization continued its violent conflict on the

² See attachment 2 for a time line

³ 60% for Hutus and 40% for Tutsis

outskirts of the capital despite the UN's presence. By June 2005, the group had stopped fighting and was brought back into the political process. All political parties accepted a formula for inter-ethnic power sharing, which meant that no political party could gain access to government offices unless it was ethnically integrated.

The focus of the UN's mission had been to enshrine the power-sharing arrangements in a popularly voted constitution, so that elections may be held and a new government installed. Disarmament, demobilization and reintegration were done in tandem with elections preparations. In February 2005, the Constitution was approved with over 90% of the popular vote. In May, June, and August 2005, three separate elections were also held at the local level for the Parliament and the presidency.

The relations between the Government of Burundi and UN missions on the ground have been marked by tensions, which saw as one consequence the request for change of SRSGs/ERSG, because they (their reports) were perceived by the Government as being biased.

The electoral system and institutions

Burundi's political system is that of a presidential Republic based upon a multi-party state. The President is elected by absolute majority vote through a two-round system to serve a 5-year term. The President of Burundi is the head of state and head of government. Burundi's President appoints officials to his Council of Ministers, which is also part of the executive branch. Members of the Council of Ministers must be approved by two-thirds of Burundi's legislature. The president also chooses two vice-presidents. As of 2012, the President of Burundi is Pierre Nkurunziza. The First Vice President is Thérèse Sinunguruzza, and the Second Vice President is Gervais Rufyikiri.

Burundi's Parliament is bi-cameral, consisting of the National Assembly and the Senate. The Senate consists of a total of 49 members. 34 members (2 per province) are indirectly elected by an electoral college (communal councilors) to serve 5-year terms. Additionally, former heads of state have reserved seats (4). Women must comprise 30% of all elected members (8 additional) and 3 members are from the ethnic Twa minority. In the National Assembly (106 seats), 100 members are elected in multi-members constituencies (17) through a closed-party list proportional representation system to serve a 5-year term. 6 seats are reserved to ensure the constitutionally mandated ethnic (60% Hutu, 40% Tutsi and 3 Twa) and gender (at least 30% women) quotas are met.

The National Independent Electoral Commission (Commission Electorale Nationale Indépendante - CENI) is responsible for the organization of national level, communes and local elections, including voter registration. The CENI⁴ is established by the Constitution as an independent body and its members are appointed by the President after they have been ratified by the National Assembly and the Senate with a 75% majority each. The system was put to test in 2008 when the Government appointed members for the CENI and these appointments were rejected by the main party and the opposition and the members were therefore not vetted in Parliament (July 2008). After a consultation process, new CENI members were nominated and approved by Parliament in 2009 to manage the 2010 elections.

⁴ See attachment 3 for CENI's structure

Implementation of the electoral process

One major dilemma which faced electoral staff in managing the 2010 elections was that 5 elections⁵ had to be conducted in the period of 4 months, these being Communal, Presidential, Legislative, Senatorial and hill councilors elections. The *election administration and international partners were caught in a very tight timeline and had to adapt the planning of their activities on the spot with some technical hiccups being unavoidable which provided an excuse to challenge the elections results.* It may have been better to have elections spread out over sufficient period of time or have them done together to avoid one done earlier on kidnapping all others.

From the UN point of view, the setting up of the technical support element took longer than expected due to the various steps needed. These were (1) waiting for an official request, (2) deployment of the Needs Assessment Mission (NAM), (3) the decision on the NAM recommendations, (4) the putting together of the Project Document (ProDoc) following the NAM recommendations and (5) have the ProDoc approved, funded and recruit the necessary staff. Due specially to the fact that experts with the necessary expertise were not easily available, the electoral experts were on the ground 5 months prior to the first elections and had to manage a quite complicated situation as explained earlier on due to the variety of elections to be held in a very tight timeframe. *The selection and recruitment system of DPKO, DPA and UNDP needs to be adapted to the urgency in elections and the presence of senior French speaking experts in the electoral roster needs to be increased.* The UN as a whole could however provide important support for start-up and during the project implementation, due to the possibility to loan equipment before the arrival of the project materials. Apart of the CENI, support was also provided to political parties, civil society and other national stakeholders. An overall support matrix was developed outlining all areas of support and actors. A UNDP Service Center was established to support with recruitment and procurement, this was seen as essential to be able for the project to be operational in that short time frame, with the need to manage some USD 32 million, which would have been impossible with standard UNDP administration procedures.

The status of preparation of the CENI was worrying, as they had been recently appointed and were without prior experience. UNDP took the Commissioners on a study tour to South Africa to learn and observe during 3 weeks the process there. There were no decentralized bodies on the ground and they had to be created from scratch. In the end UNVs were recruited to assist the Provincial Offices in their tasks and to allow the CENI in Bujumbura to know what was really happening on the ground. The Ministry of Interior was involved because they managed the local administration and the communal elections comities needed to coordinate with them. ID cards were a major issue and a separate project (paid by the Peace Building Fund - PBF) provided 1 million cards for disadvantaged groups (women, youth, etc.). In the end, some 3.7 million voters were on the rolls. The lack of trust complicated the elections preparations. This had a direct impact later on when the results were coming in in the form that some parties did not accept them and boycotted the next elections.

The co-location of the UNDP electoral experts with the CENI was a success, as the CENI had, as explained earlier on, little experience and their staff could therefore benefit directly from working with the international experts. The experts were key to the

⁵ See attachment 4 for details on elections

elections success at the first round of elections, while later on more and more national staff was involved and by gaining experience were taking over functions.

Communal elections were the first to be held. As there had been loss of continuity with regard to electoral staff between the 2005 and 2010 elections, both the CENI and the technical support of the UN had to start from zero. When the opposition lost the Communal elections, they accused the CENI of being pro-ruling party and wanted a new CENI to manage the elections. These calls were supported by the fact that prior to the elections mistakes were made with the number and distribution of ballots needed by constituency. The CENI decided in the last moment to order new ballots to be printed and brought in from South Africa and delivered throughout the country by helicopter with the support from the UN. The reason behind the mistake with the number of ballots by constituency was that the final voter registration lists were not provided in time because the technicians were recruited too late. This slight delay of polling day (3 days) was used as an excuse to challenge the communal elections results and for boycotting the following (including the Presidential) elections, therefore confirming the rule that technicalities can have a major impact on the political outcome of elections.

However, the 2010 electoral process has been assessed generally as a success due to the fact that it was possible holding 5 elections in a very short time frame: communal elections (24 May), Presidential (28 June), Lower House (23 July), Senate (28 July) and hillside councilors (7 September). On the political front, mediation happened after the communal elections to try to convince the opposition parties to continue to participate in the process, with some success. The contributions of all partners were vital for the conduct of the elections. A tripartite agreement between Burundi, the DR Congo and UNHCR allowed for the repatriation of the last remaining refugees living in DRC and the refugees living in Tanzania benefited from permanent resident status.

Summarizing the main challenges faced by these elections, they are of (1) political nature, as could later on be seen by the fact that the opposition did not accept the communal elections results and boycotted the following elections and (2) legal nature, as the Elections Law is perceived as being deficient, but nothing could be done previously from the electoral assistance side to remedy this issue. However, it would be important to tackle the legal framework before the next elections take place in 2015.

Disposition of other international electoral assistance providers

The International Foundation for Electoral Systems (IFES) and the National Democratic Institute for International Affairs (NDI) were active in the areas of training electoral staff and working with civil society organizations, i.e. to support the increase of women participation. The European Union provided, apart of the basket fund contribution, technical assistance to the CENI and undertook budget supervision of the basket fund. Other partners provided direct bilateral support, i.e. African Union, China, Germany and the USA.

UN electoral assistance

The delivery of electoral assistance by the United Nations in Burundi was different to most cases where there is a UN mission on the ground. In Burundi 2010, technical assistance for the conduct of the elections was provided by UNDP and other UN agencies, while the mission (BINUB) was in charge of the political support to the

electoral process, without an Electoral Assistance Division within the mission. This avoided duplication and waste of resources, while at the same time ensuring the UN spoke with one voice about the elections. However, it is questionable if this can be called IEA, as integration occurred only at the political, but not at the technical level, as there were not UN electoral assistance teams working in an integrated manner under the direct guidance of the ERSG. The absence of a CEA within the mission did not allow the ERSG to have in-house expertise to advice on possible flaws of the process and design possible remedies. ***No single model is possible for integration and IEA has to be adapted to country-specific conditions, while keeping the basic rules of IEA.***

The non-acceptance of the elections results by most opposition parties, using some minor technical complications as excuse, shows that all the goodwill and support by international actors are not sufficient if involved parties do not have the political will to accept these results and acknowledge the will of the people.

UN mandates and support to the process

The peacebuilding orientation of the UN in Burundi started officially on 1 January 2007 when the UN Integrated Office in Burundi (BINUB) came into being through the Security Council Resolutions 1719 (2006). BINUB was a political and peacebuilding mission of DPA and a follow up mission to the United Nations Operation in Burundi (ONUB), a UN peacekeeping mission which was functioning in Burundi from 2004 to 2006.

In various Security Council Resolutions, the Executive Representative of the Secretary-General was tasked to “facilitate and promote dialogue among national and international stakeholders, in particular in the context of the upcoming election, while continuing to support their efforts to sustain peace and stability”⁶. The Peacebuilding Commission was asked “to continue to assist the Government of Burundi in laying the foundations for sustainable peace and security, reintegration and long-term development in Burundi and in mobilizing resources needed to achieve these aims, including for the coming elections”⁷ and it “will maintain its engagement with Burundi and jointly review continued engagement after national democratic elections in Burundi which are scheduled for 2010”, “advocate for international expertise and resources for the establishment of an independent national electoral commission as well as for the preparation and peaceful conduct of the 2010 elections”⁸.

In 2009, BINUB engaged in peace consolidations activities within democratic governance by “carrying out a number of activities to help improve national dialogue, support the functioning of Parliament, advance reforms in public administration, and support the decentralization process and fight against corruption”, “support the second phase of the “Cadres de Dialogue” project (...)” focusing on assisting political parties, civil society, and the private sector to develop work plans for strengthening dialogue as a tool for governance and peace consolidation”.

In order to coordinate international assistance for the elections in Burundi, the international partners established in May 2009 a twin mechanism⁹: a Consultative Strategic Committee, that served as forum to define strategic guidelines for international

⁶ SCR 1902 (2009), following the sixth report (S/2009/611)

⁷ SCR 1902 (2009)

⁸ A/RES/60/180 and SCR 1645 (2005)

⁹ See annex 6 main report for details on TOR of these mechanisms

assistance at ambassadors level and was chaired by the ERSG and a Technical Coordination Committee that coordinated technical, logistical and financial assistance through the Independent National Electoral Commission (CENI) and oversaw the management of the basket fund managed by UNDP, chaired by the UNDP Country Director. There was also an ad-hoc coordination structure with meetings held between the Government, UN and CENI on electoral issues whenever necessary.

In July 2009 an electoral Needs Assessment Mission (NAM) was conducted and determined that the existing conditions were generally adequate for the holding of credible elections in Burundi and recommended the establishment of a UN electoral support programme through which the Independent National Electoral Commission (CENI) would benefit from technical expertise and support in the planning and implementation of various electoral operations.

BINUB did have only a limited electoral assistance mandate and therefore no specific resources had been allocated to support the electoral process. Almost all UN electoral assistance was done by UN organizations¹⁰, while the overall supervision was with the ERSG. The lack of electoral experts in the mission, which could advise the senior management on the technical progress of the elections preparations and possible difficulties, leads us to the finding that ***the mission could not provide the best possible electoral advice to the mission senior management due to the absence of an Electoral Assistance Division.***

The UN Electoral Component

The UN Integrated Office in Burundi (BINUB) was in itself an integrated mission. Up to 2010 there was an Executive Representative of the Secretary General (ERSG) with 5 different hats, and as he was the ERSG, DO¹¹, RC, RR and the HC, integration happened therefore almost automatically. However, the different UN agencies on the ground needed to be reminded from time to time on the rules of the game. The “5-hat approach” was very good at the time, as it made for easier relations between the mission and the UNCT, especially UNDP. ***If the SPM is small enough, the SRSG could also serve as RC/RR to make structural integration easier.*** There were two sides, which worked as a dual mechanism: the electoral assistance and basket fund with UNDP and the political work with BINUB. The UN was coordinating regional organizations and the wider international community. This was done by holding weekly meetings, in which the situation was analyzed and possible loopholes found to allow to push on the political scene. BINUB was in charge of the mobilization of funds for the 5 elections, to be distributed either through the UNDP managed basket fund or through bilateral funds.

SPM missions could use some resources (transportation) on the ground that provided the mission with some added practical value in negotiating with Government and CENI.

As a sign of integration, at BINUB the different sections were under different UN lead. (1) Political – under DPKO-DPA, (2) Peace and Governance – under UNDP –while staff working there were under DPKO, DPA and UNDP contracts, (3) Justice and Human Rights – under High Commissioner for Human Rights, (4) Security Sector

¹⁰ With the exception of support with transport

¹¹ Designated Official

Reform – under DPKO – with staff working under DPKO and UNDP contracts. From 2007 – 2010 UNDP shared core supervision on Peace, Governance and Justice with BINUB, now it has sole responsibility for these sectors. This integration allowed also to establish administrative rules that allowed staff from various UN organizations to have access to mission resources, i.e. through a joint communication platform, the electronic Room¹². ***Administrative procedures were established to improve synergies between various UN staff working on elections, i.e. in terms of communication.***

As to purely electoral staff¹³, at BINUB one person was working for a few months prior to the elections as political/electoral officer in order to serve as focal point for elections for the mission and act as link to the electoral team at UNDP (CTA, Operations, etc.). The technical coordination was in the hands of the UNDP Country Director and the strategic coordination was with the ERSG, who dealt with the Government, diplomatic community and UNCT.

UNDP

In line with the recommendations of the 2009 NAM, UNDP designed a project “Appui au Cycle Electoral au Burundi- PACE” to be financed by a basket fund¹⁴, which was signed on 18 September 2009 for an overall amount of USD32 million (total contribution amounted finally to USD28 million) and outlined priority areas in the electoral process that needed international support. The project was to support the Government of Burundi (GoB) through the CENI in the organization of free, transparent, credible and inclusive elections, especially through provision of technical and financial assistance in order to strengthen the capacities of CENI and the electoral administration of Burundi. UNDP supported financially through the basket fund the elections and made a technical assistance team available to the CENI, which helped handle logistics, operations, procurement, administration, finance and communication. ***While UNDP was responsible for the basket fund, the mission believed that they could have a say in the use of the funds, creating in some occasions tensions between the mission and UNDP.*** The CENI complained that basket fund procedures were very cumbersome and had to be overcome to allow the use of the funds in a rational way. ***If UNDP accepts the management of the basket fund and supports the process, this cannot be done through regular procedures, the procedures have to adapt to the timing of elections.***

There were some difficulties in the communication between the political (BINUB) and technical (UNDP) sphere at first, but this was later solved once problems aroused. The UNDP CTA had no contact with the ERSG, the UNDP CD was his focal point for elections. UNDP was also in contact with donors, undertaking calls for funds, etc.

The project was primarily focused on organizing the countrywide voters’ census which begun on 24 January 2010. Another immediate activity was the establishment of a Data Processing Centre (DPC) in Bujumbura. The computer equipment enabled the voter registration campaign to be up and running as soon as the census was completed. The DPC facilitated mass data entry and data correction, electoral database updating,

¹² See annex 6 main report for a request template

¹³ Other staff was also dealing with elections related issues, i.e. Gender Advisor, political officers

¹⁴ Contributors were Australia, Belgium, Canada, EC, Egypt, France, Japan, Luxembourg, Netherlands, Norway, Peace Building Fund, Sweden, Switzerland and UK.

making and producing voters' cards and voter lists, and finally exploiting electoral data. The CENI hired nearly 1,000 data entry officers for this task.

UN integrated planning and electoral structures

Definition of integration in the framework of the United Nations

"Integration constitutes the guiding principle in the conception and implementation of complex operations of the United Nations in post-conflict scenarios and for the establishment of linkages between the various parameters of peace building (political, development, humanitarian, rule of law and security) with the goal to create a coherent support strategy (Decision n. 2005/12 of the Secretary General upon the meeting of the Political Committee held on 19 July 2005)."

There was an integrated organogram in BINUB¹⁵ and the Political section worked with the Democracy and Governance section on issues related to elections. There was structural as well as functional integration within BINUB, and in addition there was a clear division of tasks between UNDP and BINUB on electoral assistance.

On the integration structure, there was a Steering Committee with representatives of BINUB, UNDP and international and national counterparts headed by the ERSG. Informal discussions by the ERSG started early on to assess the process, actors and funds available for supporting the elections.

Weekly sessions were established between ERSG, UNDP and Political Affairs to share information. BINUB supported with logistics (transport), UNDP managed the Basket Fund and provided technical assistance to the CENI and others outside the basket fund participated also in coordination meetings (i.e. USAID/NDI-IFES). A technical committee was created to allow technical staff to discuss the process, with the participation of all implementing partners, inside or outside the basket fund. In addition, the ERSG held regular meetings on elections with Ambassadors, EU, CENI, EU Observers, UNDP, etc. to share information about the process.

There was close collaboration between CENI, UNDP and BINUB, most strongly on the ground. UNDP deployed one UNV as Provincial Electoral Advisor in all 17 provinces, and these UNVs were co-located with BINUB where the mission was present, if not with other UN agencies. These deployments were assessed to be one of the best activities UNDP did in order to support elections on the ground and gathering vital information for the CENI at headquarters (HQ). BINUB had a total of 373 staff, 5 provincial offices and covered the other provinces from HQ (reduced from ONUB). Support was provided from DFS/CMS for equipment, but this support was limited because the mandate did not allow for much more. The Peace Building Commission (PBC) supported also the electoral process. The CENI, BINUB and UNDP explained the process to international and national stakeholders and provided political support, while the PBC played a key role for resource mobilization.

Clear division of labor was paramount (mainly political for the mission, technical for UNDP) ***and information with clear guidelines to allow all UN staff to know how the work was to be done.*** There was the need to balance the political (DPA) with the technical (UNDP) level and as all kept to their respective area then there were not major problems, if activities would have started to crossing into other partners' areas without a prior agreement, this could have been a disaster.

¹⁵ See attachment 5 for structures and integration mechanism

One of the most important elements for integration to be successful is the personality of involved partners at all, but specially at senior levels. The good interaction between the various senior managers at UN bodies made the delivery of electoral assistance a success. While mandates and guidelines are secondary, while extremely helpful to avoid misunderstandings, they allow going back to them if needed to clarify roles and responsibilities. In Burundi integration was already far ahead, but in other circumstances there is the need to recruit the right kind of people for integration settings and to introduce training sessions for mission staff (including SRSG and DSRSGs) and UNDP staff (including Country Directors and senior staff) on integration to have a joint vision of the goals.

Division of work between UNDP, BINUB and other actors

The political situation in Burundi was complicated and the Government didn't want the UN to get involve in the elections at the beginning. The Government was of the opinion that, while the 2005 elections were led by the UN, it was now time for them to take charge. In this line of thought, elections support was not written down in the UNDAF.

An additional problem was that finally three issues had to be dealt with at the same time by the UN, Disarmament, Demobilization and Reintegration (DDR), Transfer of Justice and Elections. It was helpful that the UNDP Country Director had previous experience from DRC and knew the issues in order to be able to anticipate possible difficulties for the support to be provided. Even without a proper request for electoral assistance, the UN started preparing an integrated support in a complementary manner, i.e. with the World Bank. The World Bank had a project of support to demobilized combatants, and UNDP started a project to support associated family members. With UNHCR, UNDP worked together on repatriation issues and ID cards. The Peace Building Fund, established in 2006, supported in the end some 18 micro projects in the areas of Security, Justice, Peace and Disarmament with USD 35 million allocated to them. These projects were to bring actors together, undertake infrastructure work, etc.

This leads us to the next finding, being this that ***it was very important for the provision of IEA that the UNDP Country Director (CD) had previous experience with IEA*** and could therefore use this previous experience to prepare the ground with regard to coordinating with other UN agencies and the mission. If the UNDP CD or ResRep are not used to missions settings, a confrontation with the SRSG can happen regarding status inside UN family and in relation with international and national partners.

The main UN actors on the ground were BINUB, UNDP, United Nations Development Fund for Women (UNIFEM), UNV, WFP and UNHCR. WFP was especially involved with transportation and storage of electoral materials. With regard to the relation between BINUB and UNDP on elections, from UNDP to BINUB it was through the Country Director, from BINUB to UNDP TA team through the electoral focal point at BINUB. BINUB supported also the electoral process with communications experts (media) to help establish a communication strategy for the CENI, as no media expert was on the UNDP team. By working together each UN actor involved was able to provide his specific expertise to support the process, including who was in charge of which component. ***Internal agreements were there on who is better placed to do what, including a mapping on available resources as a first step prior to engaging in electoral assistance.***

There had not been in-between electoral assistance. The problem was the disbandment of the CENI that worked from 2005-2009 and also that after the Electoral Assistance Division (EAD) in ONUB, there was no EAD in BINUB, due to the fact stated earlier on that BINUB did only have a limited Security Council electoral mandate (provide “limited support, if required”). After the 2005 elections there was also no counterpart or political space to provide assistance in. The ERSG had a clear mandate for political dialogue, peace and security conditions, and in the context of elections he focused on the environment conducive to peaceful and credible elections. In some cases it was reported that there was a waste of resources, as too many international experts from various organizations were around doing similar things, including with the UN, EU, etc. While the analysis of the situation was the same, the political agendas were different. One additional problem was that there was a gap of three months between the departure and arrival of the ERSGs in 2010, which meant that the new ERSG arrived in April 2010, just one month before the first round of elections were held. ***The 3-months long absence of an ERSG prior to the elections had a negative impact on the ability of the UN to support the electoral process.***

BINUB, UNIFEM and UNDP worked together in order to provide technical and/or financial support to improve women representation in Burundi (through civil society and political parties), that enabled the creation of a strategy for integration of gender and improvement of political participation of women in elections (based on the experience from the 2005 elections and lessons learned from other countries). The representation of women as elected representatives increased from 23 to 34% from 2005 to 2010.

Coordination included building partnerships with women’s organizations, NGOs, the electoral bodies, media and political parties. Likewise, coordination facilitated the collection, analysis and sharing of relevant information and data. Similarly, the long-term presence of several international non-governmental organizations including International Alert, the International Foundation for Electoral Systems (IFES), the National Democratic Institute (NDI), Search for Common Ground, and others has contributed substantially to achievements in the area of gender equality in Burundi.

During the 2010 elections, the United Nations supported several programmes and initiatives aimed at empowering women and encouraging their active participation in the electoral process. The initiatives supported include: (a) the adoption of a strengthened electoral law that established a 30 per cent quota for representation by women in communal councils; (b) the registration of women on voter lists and their active participation in election observation; (c) support for the election of women candidates to the National Assembly; (d) awareness-raising about the rights of women vis-à-vis the elections; (e) encouragement of representation by women within the electoral commission; and (f) support for the integration of women’s concerns into political party platforms.

An important finding in this sense is that ***if long term support to the election administration may not be possible due to changing institutions and members, it is possible to support building up capacities of national partners in other relevant areas (gender, civic education, media, political parties, etc.).***

National ownership, sustainability, capacity building, cost-effectiveness

Compared with 2005, national ownership on the implementation of the elections prevailed this time, even to the length that decisions were taken which could not be implemented easily (i.e. 5 elections in 4 months), and the UN ended up supporting elections as good as it could under the given circumstances. ***One main issue, which remains to be solved, is that the national authorities will not be able to fund the same type of operation in the future*** (USD50 million total, Governmental contribution USD7 million). Therefore, changes have to be made in advance to adapt costs of elections to resources available (i.e. some elections to be held simultaneously, permanent electoral register, other logistical planning). On capacity building, ***CENI members have moved on and institution building hasn't worked***. PBF money was used for sensitization and the role of women in elections, how these aspects will be covered next time around is not clear at the moment. On the same line, support could be provided through the current UNDP project and with the remaining of the funds to prepare different scenarios in terms of funds needed to have a frank discussion with the CENI and the Government in order to reduce considerably the need for international financial assistance, which may be not so easy available in the future as was the case in 2010.

For the future, the Government needs to show that they are in for the process with sufficient funding allocated to EMB. The staff of the EMB should have civil service status, allowing them to make career and move to other branches of state institutions to provide security. The CENI is currently working on updating the electoral roll, the electoral law and creating a documentation center.

The creation of a permanent CENI through institutional capacity building is necessary, it is not sufficient to train staff and undertake study tours for Commissioners and senior staff. For this, there is the need to assure that a permanent structure and partner is on the ground for future cooperation.

*Francisco Cobos Flores
July 2012*

Attachments:

1. UN Missions in Burundi since 1993
2. Burundi timeline
3. Electoral administration
4. Elections held in 2010
5. UN Integrated peacebuilding strategies, structures and field integration mechanism
6. References

Attachment 1

UN Missions in Burundi since 1993

BNUB – United Nations Office in Burundi

The Secretary-General proposed in his report dated 30 November 2010 that the United Nations Integrated Office in Burundi (BINUB) be succeeded in January 2011 by the United Nations Office in Burundi (BNUB) for an initial period of one year.

By its Resolution 2027 (2011), the Security Council:

- (1) Decides to extend until 15 February 2013 the mandate of BNUB, as set out in paragraph 3 (a) to (d) of the resolution 1959 (2010);
- (2) Decides that in addition to paragraph 1 above, BNUB shall also continue to support the Government of Burundi in the following areas:
 - (a) Supporting the efforts of the Government and the international community to focus on the socio-economic development of women and youth and the socio-economic reintegration of conflict-affected populations in particular, and advocating for resource mobilization for Burundi;
 - (b) Providing support to Burundi's deepening regional integration, as requested.

By its Resolution 1959 (2010), the Security Council requests that BNUB focuses on and supports the Government of Burundi in the following areas:

- (a) Strengthening the independence, capacities and legal frameworks of key national institutions, in particular judicial and parliamentary institutions, in line with international standards and principles;
- (b) Promoting and facilitating dialogue between national actors and supporting mechanisms for broad-based participation in political life, including for the implementation of development strategies and programmes in Burundi;
- (c) Supporting efforts to fight impunity, particularly through the establishment of transitional justice mechanisms to strengthen national unity, promote justice and promote reconciliation within Burundi's society, and providing operational support to the functioning of these bodies;
- (d) Promoting and protecting human rights, including strengthening national capacities in that area, as well as national civil society;
- (e) Ensuring that all strategies and policies with respect to public finance and the economic sector, in particular the next Poverty Reduction Strategy Paper (PRSP), have a focus on peacebuilding and equitable growth, addressing specifically the needs of the most vulnerable population, and advocating for resource mobilization for Burundi;
- (f) Providing support to Burundi as Chair of the East African Community in 2011 as well as providing advice, as requested, on regional integration issues.

Staffing ceiling authorized 135

BINUB – United Nations Integrated Office in Burundi

The United Nations Integrated Office in Burundi was established by Security Council Resolution 1719 (2006) of 25 October 2006, to assist Burundian Government efforts towards peace and stability, through coherent and coordinated response of the UN system in Burundi under the chairmanship of the Executive Representative of the UN Secretary-General.

BINUB is equally mandated to promote and protect women's rights and ensure gender mainstreaming in keeping with UN Resolution 1325 (2000). Noting the progress made by Burundi towards consolidating peace and stability, as well as the remaining challenges, and welcoming in this regard the establishment of the "Groupe de coordination des partenaires", taking note of the briefing of the Chairman of the Burundi configuration of the Peacebuilding Commission, the Security Council by Resolution 1791 (2007) decided on 19 December 2007 to extend until 31 December 2008, the mandate of BINUB, as set out in resolution 1719 (2006). The Security Council equally encouraged BINUB and the Facilitation to expedite their consultations on a common approach to deal with the issue of alleged FNL dissidents, with appropriate international support. On 22 December 2008 the Council extended until 31 December 2009 the mandate of BINUB, as set out in resolutions 1719 (2006) and renewed in its resolution 1791 (2007). Security Council Resolution 1858," Urge[d] the Government of Burundi and the Palipehutu-FNL to make every effort to implement, before 31 December 2008, the agreements they reached on 4 December 2008 so as to bring this last phase of the peace process to a successful conclusion and call[ed] on both parties to desist from any action that may create tension or bring about the resumption of hostilities". The resolution equally called on the "Government of Burundi to take the necessary measures to create an environment conducive to the holding of free, fair and peaceful elections in 2010 and welcomes the United Nations readiness to assist in the process".

The Security Council by Resolution 1902 (17th December 2009) extended for another year the United Nations political mission in Burundi, calling for full support for next year's elections in the war-scarred African country while voicing concern at continuing human rights violations, sexual and gender-based violence, restrictions on civil liberties and political violence.

In a unanimous resolution, the 15-member body called on the Government to fight corruption and impunity, professionalize and enhance the capacity of the national security services and the police, and broaden the respect and protection of human rights.

Staffing ceiling authorized 450

ONUB - United Nations Operation in Burundi

Having determined that the situation in Burundi continued to constitute a threat to international peace and security in the region and acting under Chapter VII of the UN Charter, the Security Council, by its resolution 1545 of 21 May 2004, decided to establish the United Nations Operation in Burundi (ONUB) in order to support and help to implement the efforts undertaken by Burundians to restore lasting peace and bring about national reconciliation, as provided under the Arusha Agreement.

The Mission was established with the following mandate, within its capacity and in the areas where its armed units are deployed, and in coordination with humanitarian and development communities:

- To ensure the respect of ceasefire agreements, through monitoring their implementation and investigating their violations,
- To promote the re-establishment of confidence between the Burundian forces present, monitor and provide security at their pre-disarmament assembly sites, collect and secure weapons and military materiel to dispose of it as appropriate, and contribute to the dismantling of militias as called for in the ceasefire agreements,
- To carry out the disarmament and demobilization portions of the national programme of disarmament, demobilization and reintegration of combatants,

- To monitor the quartering of the Armed Forces of Burundi and their heavy weapons, as well as the disarmament and demobilization of the elements that need to be disarmed and demobilized,
- To monitor, to the extent possible, the illegal flow of arms across the national borders, including Lake Tanganyika, in cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and, as appropriate, with the group of experts referred to in paragraph 10 of resolution 1533,
- To contribute to the creation of the necessary security conditions for the provision of humanitarian assistance, and facilitate the voluntary return of refugees and internally displaced persons,
- To contribute to the successful completion of the electoral process stipulated in the Arusha Agreement, by ensuring a secure environment for free, transparent and peaceful elections to take place,
- Without prejudice to the responsibility of the transitional Government of Burundi, to protect civilians under imminent threat of physical violence,
- To ensure the protection of United Nations personnel, facilities, installations and equipment, as well as the security and freedom of movement of ONUB's personnel, and to coordinate and conduct, as appropriate, mine action activities in support of its mandate.

The Council also decided that ONUB shall provide advice and assistance, within its capacity and subject to carrying the above tasks, to the transitional Government and authorities to contribute to their efforts:

- To monitor Burundi's borders, with special attention to refugees, as well as to movements of combatants, especially in the Cibitoké province,
- To carry out institutional reforms as well as the constitution of the integrated national defence and internal security forces and, in particular, the training and monitoring of the police, while ensuring that they are democratic and fully respect human rights and fundamental freedoms,
- To proceed with electoral activities,
- To complete implementation of the reform of the judiciary and correction system, in accordance with the Arusha Agreement,
- To ensure, in close liaison with the Office of the High Commissioner for Human Rights, the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, and investigate human rights violations to put an end to impunity.

The Council further decided that ONUB shall cooperate with the Government and authorities of Burundi, as well as their international partners, to ensure the coherence of their work, in assistance to the Government and authorities of Burundi in:

- Extending State authority and utilities throughout the territory, including police and judicial institutions,
- Carrying out the national programme of disarmament, demobilization and reintegration of combatants and members of their families, including those coming from the territory of the Democratic Republic of the Congo, in liaison with the Government of this country and MONUC, and with particular attention to the specific needs of women and children.

UNOB - United Nations Office in Burundi

UNOB was established on 25 October 1993 at the request of the Security Council to

facilitate the restoration of constitutional rule in Burundi. This step was undertaken following the coup d'état on 21 October 1993. On 12 June 1998 the Secretary-General welcomed the agreement reached between the Government and the Parliament for a new partnership and reaffirmed the readiness of the UN to continue to assist the Facilitator of the Arusha peace process and the parties at all stages of the process. Intensive efforts by the Facilitator, President Julius Nyerere of Tanzania, and his successor, former President Nelson Mandela, resulted in the signing of the Arusha Agreement for Peace and Reconciliation in Burundi (the Arusha Agreement) on 28 August 2000.

UNOB Mandate: Since 1993, UNOB has been actively involved in overseeing the implementation of the Arusha Agreement, and has sought to help the parties to the conflict build an internal political partnership and pursue the peace talks initiated by the region. UNOB implements the Security Council Resolutions regarding the peace process in Burundi. In March 2003 UNOB acquired further responsibilities with the establishment of the Joint Ceasefire Commission (JCC). With the establishment of the African Mission in Burundi (AMIB) in March 2003, UNOB began to provide it with technical assistance and advice.

Attachment 2

Burundi timeline *In italics UN involvement*

1993	President killed in coup d'état, some 300,000 people killed in the aftermath <i>UN Office in Burundi established</i>
1994	Next President also assassinated together with President of Rwanda
1996	New President takes over following another coup d'état
2000	Arusha Agreement, power sharing, 5 years transition
2004	<i>UN Operations in Burundi established (ONUB), Chapter VII mandate</i>
2005	Constitutional referendum, communal, legislative, senatorial, hillside and presidential elections held with heavy UN support
2006	<i>United Nations Integrated Office in Burundi established (SPM – DPKO supported)</i>
2009	Last rebel group return to Burundi <i>BINUB to take care of political issues, UNDP of technical electoral support (Prodoc 2010 – 2014 signed)</i>
2010	Communal, presidential, legislative, senatorial and hill councils elections held in 4 months, opposition declares fraud at communal elections, boycotts other elections Rebel group again active
2011	<i>UN Office in Burundi (BNUB) established, mandate until 2013</i>

Attachment 3

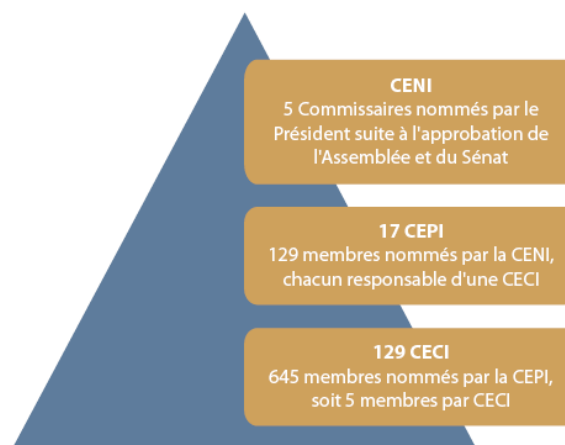
Electoral Administration

Projet d'appui au processus électoral

La CENI et ses démembrements:

La Commission Electorale Provinciale Indépendante (CEPI), mises en place par Arrêté de la CENI en date du 12 novembre 2009, au niveau de chacune des 17 provinces du pays (Art. 16 Arrêté N° 100/22 du 20 février 2009) pour un mandat d'une année.

La Commission Electorale Communale Indépendante (CECI), mise en place par décisions des CEPI en date du 2 décembre 2009, au niveau de chacune des 129 communes du pays (Art. 17 Arrêté N° 100/22 du 20 février 2009) pour un mandat d'une année.



Responsabilités et compétences des CEPI:

- Recevoir les recours en matière d'inscription au rôle (Art. 22, 23, 24 CE)
- Recevoir les recours contre la composition des bureaux de vote (Art. 40 CE)
- Délivrer des cartes spéciales aux mandataires des partis politiques (Art. 41 CE)
- Recevoir les procès verbaux de clôture d'inscription au rôle (Art. 12 CE)
- Recevoir les procès verbaux de dépouillement (Art. 71 CE)
- Proclamer les résultats provisoires des élections communales et recevoir les recours (Art. 72 et 75 CE)

Responsabilités et compétences des CECI:

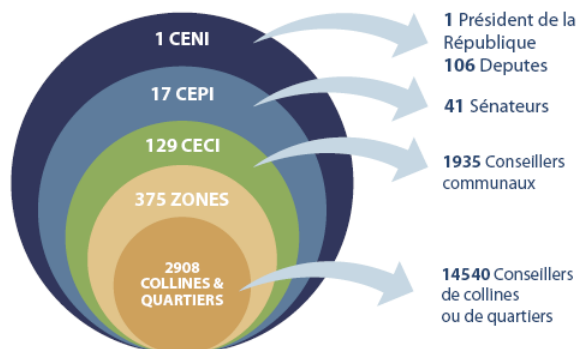
- Désigner les bureaux d'inscription (Art. 12 CE)
- Dresser les procès verbaux de clôture d'inscription (Art. 18 CE)
- Déterminer les lieux d'affichage (Art. 27 CE)
- Désigner les membres des bureaux de vote (Art. 40 CE)
- Proclamer les résultats provisoires des élections collégiales (Art. 74 CE)

Attachment 4

Elections held in 2010

Projet d'appui au processus électoral

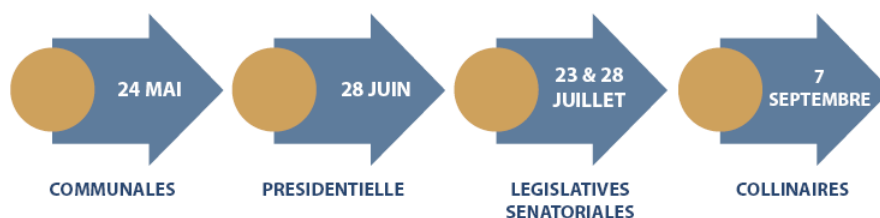
ADMINISTRATION ELECTORALE



BULLETINS ET URNES MULTIPLES

L'électeur choisit un bulletin parmi l'ensemble des bulletins disponibles – chacun correspondant à un candidat ou listes de candidats – et le glisse dans une enveloppe blanche, elle-même déposée dans une petite urne. Les autres bulletins non utilisés sont glissés dans une enveloppe noire, elle-même déposée dans une grande urne.

CALENDRIER ELECTORAL

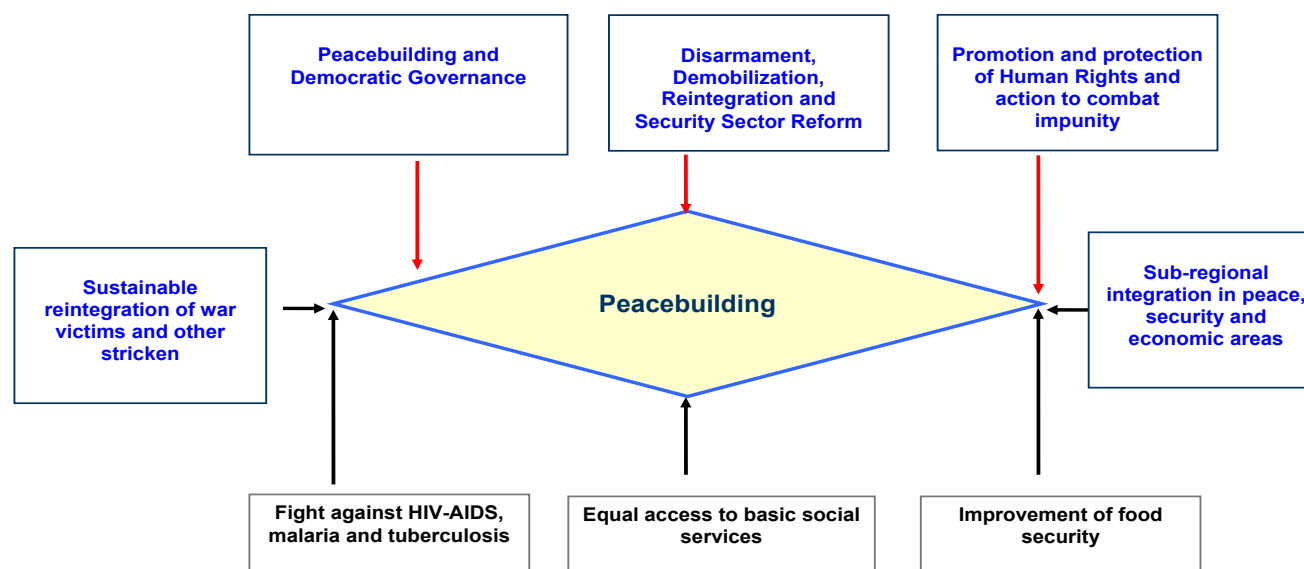


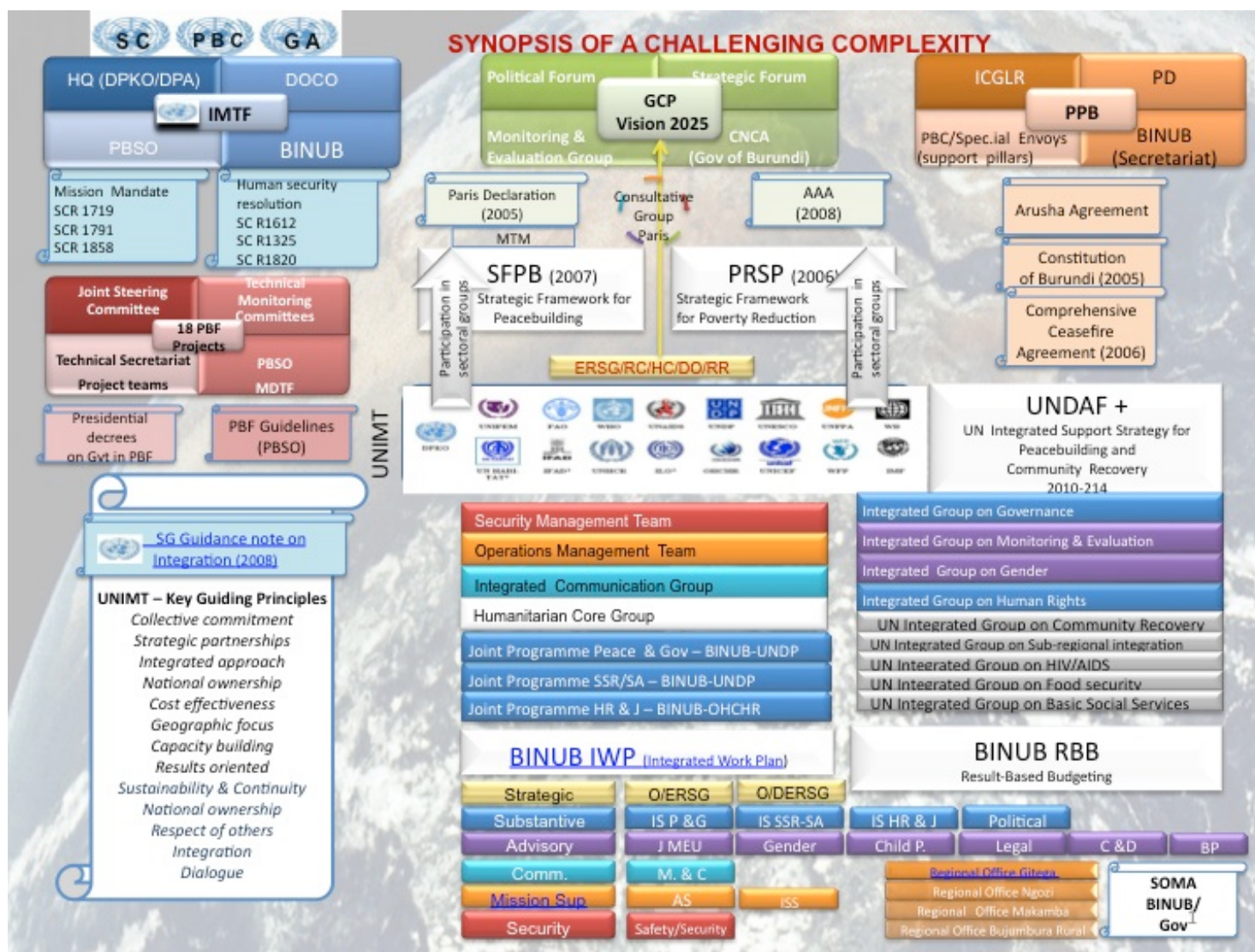
Echéancier électoral: Les cinq scrutins de 2010 ont eu lieu en moins de quatre mois, soit un véritable marathon électoral.

Attachment 5

UN Integrated Peacebuilding Strategy and Structures

United Nations Integrated Peacebuilding Support Strategy in Burundi: 2007-2008 priorities





BINUB field integration mechanism

- The UNIMT - Heads of UN agencies and Heads of BINUB Integrated Sections meet weekly under the leadership of the ERSG to provide strategic guidance and to work together on all critical aspects of peace consolidation in Burundi. It focuses on the implementation of joint programmes and the definition of a joint UN position within coordination fora with the GoB and international development partners. It is responsible for overseeing the integrated approach
- BINUB Integrated Planning and Programming Task Force (IPPTF) is the UN's primary body spearheading integrated peacebuilding planning and programming
- The Administrative Support Group looks into issues pertinent to operational integration, including common services
- The Information, Communications and Advocacy Committee (InfoComm) is responsible for the coordination of all UN communication activities and strategies. It operates under the guidance of the ERSG and the Head of Media and Communication, BINUB
- The Integrated Monitoring and Evaluation Group comprised of UN system staff spearheaded by UNICEF

The UN Integrated Services Centre (UNISC), whose personnel are provided by UNDP, operates under the guidance of ERSG in his capacity as RR/RC. It provides administrative, human resources and financial, procurement and supply support to all PBF and joint programmes in addition to UNDP's community recovering projects.

Attachment 6

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N.B. Most of the documentation made available from various sources for this study is not public and can therefore not be referred to