

BURUNDI: DEMOCRACY AND PEACE AT RISK

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BURUNDI: DEMOCRACY AND PEACE AT RISK

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Since the new, democratically elected government came to power in September 2005, the first since 1993, there has been marked deterioration in Burundi's political climate. Led by the National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD), the government has arrested critics, moved to muzzle the press, committed human rights abuses and tightened its control over the economy. Unless it reverses this authoritarian course, it risks triggering violent unrest and losing the gains of the peace process. The international community needs to monitor the government's performance, encouraging it to adopt a more inclusive approach and remain engaged even after UN troops depart in December 2006.

The arrest of prominent opposition politicians in July 2006, accompanied by questionable claims that a coup was being planned, has been the most disturbing development. Some of those arrested were tortured into signing confessions. But this was only one, albeit high-profile, example of the deterioration in human rights and political pluralism. Soon after its inauguration, the government launched military operations against the last remaining rebel group, the Palipehutu-FNL, in the course of which it imprisoned, tortured and even executed many suspected combatants as well as civilians accused of colluding with the rebels, often with the National Intelligence Service (SNR) behind the abuses.

The ruling party is also actively interfering in public procurement, fuelling suspicions that it is using state offices to fill its coffers. Sweeping personnel changes in lucrative state companies have caused resentment amongst businessmen, who may be tempted to respond by financing political dissidents. The European Union and the World Bank have both expressed concern at increasing government corruption, and the latter has suspended part of its budgetary aid pending an audit.

The authoritarian drift has been exacerbated by the weakness of institutions meant to provide a check on the executive. Political opposition is divided, and the CNDD-FDD controls both parliament and the courts. It has clamped down on critics in the press and civil society. Although the government has recently attempted

to establish a dialogue with journalists and civil society, its prospects of reducing tensions are poor as long as several NGO leaders remain in custody on tenuous grounds.

There are few signs of violent opposition as yet. Integration of the security forces has weakened the former Tutsi military establishment, which is reluctant to act for fear of a backlash against its ethnic community. However, the government's recent actions have damaged the country's political fabric and could foster unrest in the near future. Its behaviour could also hamper implementation of the ceasefire agreement signed with the FNL rebels on 7 September 2006.

The growing authoritarianism is disturbing after such a promising beginning to the peace process. The government came to power with considerable domestic and international goodwill, which it will lose if it does not take steps to promote accountable, inclusive and democratic governance. The primary responsibility is the government's, but the international community, particularly donors and the UN's new Peacebuilding Commission, have important support roles to play in this respect.

RECOMMENDATIONS

To the Government of the Republic of Burundi:

1. Establish a commission of inquiry to investigate the alleged coup plot and the treatment of those detained in relation to it and appoint an eminent lawyer or judge acceptable to the main opposition parties to head the inquiry.
2. Revise the powers of the National Intelligence Service (SNR) so that:
 - (a) its officers no longer have the right to arrest suspects without warrants or detain them in its facilities; and
 - (b) it answers to the Ministry of Interior rather than to the president.

3. Tackle corruption by:
 - (a) supporting an independent audit through the parliament of state contracts entered into during the past year;
 - (b) renegotiating contracts that were made in violation of the law on public procurement; and
 - (c) prosecuting corrupt officials.
4. Hold monthly meetings between the president and the main political parties to discuss grievances and promote dialogue.
5. Improve communication and dialogue with press and civil society through:
 - (a) weekly press briefings as well as question and answer sessions; and
 - (b) monthly meetings between the president, the press and civil society.

To the Judiciary:

6. Provide swift and transparent trials for all detainees, including alleged FNL combatants.
7. Review the cases of suspects held on pre-trial detention and release those who are not a flight risk or a threat to others.
8. Try officials suspected of torture and corruption where significant evidence exists.

To the Parliament:

9. Create a standing security and intelligence committee, which should immediately investigate allegations of torture by the security services.
10. Conduct an independent audit of state contracts entered into over the past year.

To the Media:

11. Promote self-regulation by issuing press cards through the Journalists Association and implementing an internal disciplinary system under which accreditations will be suspended and revoked if journalists repeatedly violate the Code of Professional Ethics.

To the East African Community:

12. Discuss the recent allegations of a coup plot with the Burundi government and encourage it to respect due process and human rights in treatment of the suspects.

To the Donor Community:

13. Insist that the government provide speedy, fair and public trials to the suspects detained in connection with the alleged coup plot and encourage it to release them from pre-trial detention.
14. Offer to train and provide non-lethal assistance to the National Intelligence Service and to place international advisers within this service to help curb abuse.
15. Condition further budgetary support on improvements in governance and human rights, in particular:
 - (a) an independent audit of state contracts entered into during the past year; and
 - (b) improvements in the behaviour of the security services.
16. Fund and otherwise support all institutions likely to provide a check on the executive and promote democratic freedoms, such as parliamentary commissions, the judiciary, independent media, and civil society organisations defending human rights and denouncing corruption.

To the United Nations Peacebuilding Commission:

17. Serve as the key forum for international engagement with the government in consolidating the peace process, including by:
 - (a) acting as the primary forum for information sharing and coordinating programs;
 - (b) keeping under close review human rights and economic governance matters related to Burundi and developing benchmarks for improvement on which disbursement of further aid should be conditioned;
 - (c) building donor confidence in the process and, if the above benchmarks are met, increasing the flow of reconstruction and development assistance; and
 - (d) ensuring that civil society, including women's groups, the private sector and the media, participate fully in developing national strategies for consolidating peace.

Nairobi/Brussels, 30 November 2006

BURUNDI: DEMOCRACY AND PEACE AT RISK

I. INTRODUCTION: ONE YEAR OF DEMOCRACY

In elections held between June and August 2005, the voters of Burundi elected their first democratic government since 1993. This marked an end to the transitional government established by the Arusha Agreement in 2001.¹ The mainly Hutu former rebels of the National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD), led by Pierre Nkurunziza, won a resounding victory and hold 58 per cent of the seats in parliament and 57 per cent in the communal councils, as well as twelve of the twenty government ministries. Nkurunziza was inaugurated as president on 26 August 2005.

The elections radically reconfigured politics. Old tensions between Hutu and Tutsi parties were eclipsed by new ones between predominantly Hutu parties – CNDD-FDD and Front for Democracy in Burundi (FRODEBU) – whose bitter campaign rivalry was marred by violence. In the run-up to the elections, rebel forces were integrated into the national army, police and intelligence service. For the first time in Burundian history, these forces were ethnically balanced.²

Nkurunziza's government faced considerable challenges. Foremost was the process of transforming the CNDD-FDD from a rebel movement into a democratic political party in power – one whose members had little civil administration experience. The government had to reconstruct an economy devastated by more than a decade of civil war and economic embargo, during

which per capita income fell by 35 per cent and the number of people living below the poverty line doubled.³ During its first year it also had to deal with security problems in the capital and surrounding provinces caused by the remaining rebel group, the Palipehutu-FNL.

Unfortunately, the government's response to these challenges has increasingly manifested itself in disregard for the rule of law. This report first examines its abuses of power and then analyses the institutional weaknesses that have made them possible.

¹ The Arusha Peace and Reconciliation Agreement was signed in 2000 by the main political parties after two years of negotiations brokered by regional states. It provided for elections and outlined a power-sharing arrangement. It was not signed, however, by two main belligerents, the Palipehutu FNL and the CNDD-FDD. The latter entered into government and the armed forces through the Pretoria Protocol on the Sharing of Political and Military Power in Burundi signed on 3 October 2003.

² For election analysis, see Crisis Group Africa Briefing N°31, *Elections in Burundi: A Radical Shake-Up of the Political Landscape*, 25 August 2005 (Full report available in French only).

³ "Burundi: Selected Issues and Statistical Appendix", International Monetary Fund Country Report 06/307, August 2006, pp.6-7. 68 per cent of Burundians live in poverty.

II. THE COUP PLOT

A. THE ARREST OF THE SUSPECTS

On 31 July 2006, security services began arresting prominent opposition politicians, as the government announced it had foiled a coup plot involving fifteen people, including former President Domitien Ndayizeye and former Vice President Alphonse Marie Kadege. In total, seven people were arrested for conspiring against the state. In an apparent attempt to silence potential dissent, several leading civil society activists and opposition politicians were also arrested for unrelated matters. The coup claim and arrests deeply affected the political climate and revealed the fragility of the peace process.

The government's case was based on the confessions of Alain Mugabarabona, the leader of an FNL splinter group, and Tharcisse Ndayishimiye, alleged to have worked for the security services.⁴ Authorities insisted they had sufficient incriminating evidence, including recorded telephone conversations and letters between the conspirators, but that release of this information could damage the prosecution's case.⁵

The claims of a coup plot should be viewed with scepticism. Mugabarabona said in a telephone interview from his prison cell on 22 August that his confession had been extracted under duress, and that the coup plot had been staged by senior government officials.⁶ There were no apparent military or financial preparations, and some of those arrested appear to have acute personal and political rivalries that make them unlikely collaborators.⁷

⁴ Commandant Jean Pasteur Rudadi also confessed to plotting with Mugabarabona but said he had never seen any of the other suspects. Several local media, including Radio Publique Africaine and Radio Bonesha, reported that Ndayishimiye was associated with CNDD-FDD members of the security services.

⁵ Crisis Group interview, CNDD-FDD official, Bujumbura, August 2006. "When terrorists are arrested after planning to bomb Heathrow, nobody demands the police to release their evidence immediately. They have faith in law enforcement agencies and let them go about their work".

⁶ The interview was conducted on 22 August 2006 and broadcast on several local radio stations two days later. Others who were to be arrested, he said, were Vice President Alice Nzomukunda and the former defence minister, General Vincent Niyungeko.

⁷ Ndayizeye as president had a bitter row over the drafting of the constitution with Kadege, his vice president. Kadege blocked several initiatives of Ndayizeye, who replaced him with another UPRONA official in 2004.

The authorities' credibility has been further undermined by their treatment of the suspects. The National Intelligence Service (SNR)⁸ tortured Kadege, civil society leader Deo Niyonzima and Colonel Damien Ndarisigaranye. According to Human Rights Watch, "Kadege was suspended by his hands and feet and beaten with a leather belt by agents of the SNR and Niyonzima had been beaten with a baton on the lower back and arm during interrogations. Ndarisigaranye was beaten on his back".⁹ They were forced to sign confessions following these interrogations. Photos of the marks on the bodies of Niyonzima and Kadege were published on 17 August. The minister of human rights and CNDD-FDD officials admitted torture had taken place.¹⁰ That all three acknowledged victims are Tutsi rekindled ethnic tensions in the capital.

Another suspect, Commander Jean Pasteur Rudadi, was released, though he confessed to having collaborated in the plot.¹¹ On 28 August, the Supreme Court confirmed all seven detentions, basing its decision largely on Mugabarabona's retracted confession.¹² No trial date has been set.¹³

B. THE SPECTRE OF 1993

The coup allegations immediately resurrected memories of the assassination of President Melchior Ndadaye in 1993 by elements of the Tutsi-led army, which sparked months of ethnic violence in which tens of thousands of Hutus and Tutsis died. There are striking similarities in the circumstances: Ndadaye had been elected on a

⁸ Le service national des renseignements.

⁹ "An appeal to the government of Burundi to stop torture and other cruel, inhumane or degrading treatment immediately", joint letter by Human Rights Watch and other local and international NGOs, 4 August 2006.

¹⁰ Radio Publique Africaine, 3 August 2006; Crisis Group telephone interview, CNDD-FDD official, August 2006. The minister of information rejected these accusations in a press conference on 4 August 2006.

¹¹ He was released on 22 August 2006 with Anicet Niyongabo, a former CNDD-FDD combatant who had also been arrested in connection with the coup.

¹² "Ordonnance No RMPG 501/NJB de la Cour Supreme". The decision for some of the suspects, such as Domitien Ndayizeye, relies solely on the Mugabarabona confession. Crisis Group interviews, lawyer, Bujumbura, August 2006. An appeal chamber of the Supreme Court ruled in early October that the detainees should be released pending trial but the prosecutor overruled this. On 31 October, the Supreme Court confirmed detention of the suspects for another month.

¹³ On 25 September 2006, the Burundian Bar Association began a strike in protest of the court's conduct. Crisis Group interview, head of the bar association, Bujumbura, September 2006.

FRODEBU ticket, and the Hutu community hoped he would bring an end to a brutally oppressive Tutsi regime.

Many of today's leaders are haunted by the spectre of a coup. Shortly after the arrest of the alleged plotters in August 2006, the CNDD-FDD released a communiqué condemning "the people who dream and plan to overthrow the institutions that arose out of the will of the people through a bloodbath as was done in 1993, when a democratically elected president of the republic was savagely assassinated by a group of putschists".¹⁴

Some of those arrested, while minor players today, are accused of having participated in the 1993 coup. Former Vice President Kadege is one; Niyonzima is another, the leader of the Solidarity of Youths for Defense of Minorities, a Tutsi youth militia which in the 1990s was reportedly involved in violence against Hutus; Colonel Ndarisigaranye is a Tutsi army commander said to have brutally abused Hutu civilians in the capital thirteen years ago.¹⁵

The Tutsi community immediately noticed that only these three Tutsi of the eight present coup suspects were tortured. The five Hutu were not. There have been more than twenty grenade attacks throughout the country since July, with several dozen fatalities.¹⁶ The motives for these attacks are not clear but several targeted Tutsi bars, and their random nature has rekindled fear that violent conflict could re-emerge.¹⁷

The alleged coup has been the clearest example of the deteriorating political climate. The detention of senior politicians on uncertain evidence has deeply affected the political elite in the capital, one of whom said: "They arrested Ndayizeye – that means that nobody is off limits".¹⁸

To defuse the situation, the president should appoint a commission of inquiry to investigate the coup claim and arrests. It should be led by an eminent lawyer or judge acceptable to the main opposition parties. At the same time the police should investigate the instances of torture, and the courts should try those believed responsible. The government should suspend officials under investigation where a credible case exists.

¹⁴ "Communiqué de presse No 002/CNDD-FDD", 7 August 2006.

¹⁵ There was never a conclusive investigation into Kadege's involvement in the 1993 coup or its aftermath.

¹⁶ "Eighth report of the Secretary-General on the United Nations Operation in Burundi", 25 October 2006, p.6.

¹⁷ This is articulated not only by hardline Tutsi groups such as Survit-Banguka but also by moderate Tutsis. Crisis Group interviews, Bujumbura, August 2006.

¹⁸ Crisis Group interview, Bujumbura, September 2006.

C. THE CHANGED SECURITY SITUATION

Recent structural changes in the security services have diminished the immediate danger of renewed conflict. The constitution requires the army to have an even balance between Hutu and Tutsi. The 2003 Pretoria Agreement between the government and the then rebel CNDD-FDD granted the latter 40 per cent representation in the army's officer corps and 35 per cent in the police. This incorporation of many former rebel officers has profoundly transformed services which had been dominated for decades by Tutsi from the south.

While the police and intelligence service are now controlled by the CNDD-FDD, the army is still controlled in effect by Tutsi officers who served the old government. Army command positions have been shared evenly between former rebels and old government troops but the CNDD-FDD officers have little experience in running a professional military, whereas many of the old officers have been trained in local and foreign academies. The minister of defence and the chief of staff of the armed forces are former government commanders but Nkurunziza's party regards them and the Tutsi officers as loyal to the regime.¹⁹

With thousands of former CNDD-FDD combatants in and around Bujumbura and the army's finances and logistics mostly controlled by the new government, it would in any event be difficult for these officers to stage a successful coup even if they wanted to. Many CNDD-FDD officials acknowledge this but believe a small group of dissidents wants to carry out targeted assassinations to foment chaos and destabilise the country.²⁰ In fact, the recent arrests have increased the possibility of armed resistance by frustrated Tutsi officers.

The FNL rebellion around Bujumbura has been the most serious military challenge to the government. The rebels have on several occasions advanced into the capital and control much of the surrounding area. During the 2005 elections, much of the population in FNL territory voted for FRODEBU, suggesting that it might be possible for FRODEBU and other political parties to ally themselves with the FNL prior to the 2010 elections, particularly if they considered themselves unfairly excluded from the political process.

The government signed a ceasefire with the FNL on 7 September. The terms, however, are vague, and

¹⁹ Crisis Group interviews, FRODEBU, UPRONA and CNDD-FDD officials, Bujumbura, July 2006.

²⁰ Crisis Group interviews, CNDD-FDD officials, Bujumbura, August 2006.

implementation has been slow.²¹ Disillusionment with that process, along with the fragile security situation in neighbouring Congo (DRC) and the thousands of demobilised and unemployed former combatants could be manipulated by disaffected politicians and army officers, making it all the more important that the government adopt an inclusive approach to its political opponents.

III. ABUSES OF POWER

A. HUMAN RIGHTS VIOLATIONS

Disregard for human rights has exacerbated the deep distrust between the CNDD-FDD and its critics. Security forces have been responsible for severe abuses during the past year, including arbitrary arrests, torture and summary executions. Many of these took place during operations against the FNL rebels before the ceasefire. Many were also directed against regime critics, who were accused – often with scant evidence – of collaborating with the rebels.

During the 2005 election campaign, the FNL allegedly had a tacit agreement with FRODEBU to support it in the countryside,²² where fierce competition between the CNDD-FDD and FRODEBU, the two main Hutu parties, sparked violence.²³ After being sworn in, Nkurunziza promised that he would make negotiations with the FNL a priority. On 1 October 2005, he issued a one-month ultimatum for the rebels to agree to talks. When negotiations fell through, the security services launched an offensive, arresting hundreds of suspected FNL combatants in Bujumbura and neighbouring provinces. According to a human rights group, some 1,000 FNL suspects remain in prison without having been charged or tried.²⁴

There are many credible reports of torture and extrajudicial killings. The UN Mission in Burundi (ONUB) has documented ten cases in which the army is suspected of having executed FNL combatants. Local human rights groups reported 74 cases of torture in the first six months of 2006.²⁵ For over a month in 2005, ONUB as

²² Crisis Group interviews, FRODEBU officials, Bujumbura, June 2006.

²³ On 31 May 2005, unidentified assailants killed a CNDD-FDD candidate in Bujumbura Rural. On 2 June two FRODEBU candidates and eight supporters in Bubanza Province were assassinated; several weeks later a grenade attack against a bar in Bujumbura owned by a prominent FRODEBU politician killed two party members. “U.S. Department of State Country Report on Human Rights Practices, Burundi, 2005”, March 2006. A CNDD-Nyangoma official was assassinated in Muyinga during the campaign.

²⁴ Crisis Group interview, Bujumbura, September 2006.

²⁵ “Sixth Report of the Secretary General on the United Nations Operation in Burundi”, S/2006/163, 21 March 2006, p. 8; “Gouvernement de post-transition: une année au pouvoir”, Observatoire de l’Action Gouvernementale, August 2006, p. 11. On 6 July 2006, a group of twelve rebels were found dead in Bujumbura Rural, allegedly summarily executed by the Burundian army. While the circumstances of their deaths are murky – army officials claim they died during

²¹ The FNL will be the subject of a subsequent Crisis Group report.

well as Burundian judges were denied access to the jails where FNL suspects were held. According to the UN and human rights organisations, many of these were tortured.²⁶ On 15 December 2005 and 2 February 2006, several hundred were displayed publicly in a stadium in Bujumbura, the first time to shame them – they wore signs describing the crimes they were accused of – the second time to claim that they had not been mistreated.²⁷

The operations against the FNL have also targeted FRODEBU officials, who in some cases appear to have been arrested for their political affiliation rather than rebel links.²⁸ All eight FRODEBU members of the fourteen neighbourhood leaders (*chefs de quartier*) in the Kinama suburb of Bujumbura were arrested during raids. Local press and NGOs likewise reported FRODEBU leaders being arrested for collaboration with rebels in Gitega and Muramvya in early 2006, even though the FNL are barely active there.²⁹ FRODEBU claims that its meetings have been banned in much of Bujumbura Rural by the governor under the pretext of ties to the rebels.³⁰

Many abuses were carried out by the National Intelligence Service (SNR) and the police, both led by CNDD-FDD members.³¹ According to Human Rights Watch, the intelligence service is believed to be involved in the killing or presumed killing of at least 38 people since October 2006.³² The SNR did not have regulations

a shoot-out, while local officials say they were executed – the authorities have refused to exhume the bodies for an autopsy. Similarly, at least 31 civilians accused of collaborating with the FNL in the province of Muyinga were arrested by the security services in July 2006. Fifteen bodies were found mutilated several weeks later. In early September several arrests were made in this case: Crisis Group interview, human rights workers, Bujumbura, September 2006. “Burundi arrests intelligence, military officers in killings,” Reuters, 14 September 2006. According to local human rights groups, over 60 people disappeared.

²⁶ “Sixth Report of the Secretary General on the United Nations Operation in Burundi”, 21 March 2006, p. 8; Crisis Group interview, human rights advocate, Bujumbura, June 2006.

²⁷ “Sixth Report”, op. cit., p. 8. Many of these detainees were subsequently freed without ever being tried.

²⁸ “U.S. Department of State”, op. cit.; Crisis Group interviews, local NGO, Bujumbura, June 2006.

²⁹ Crisis Group interviews, local press and NGOs, Bujumbura, June 2006.

³⁰ Crisis Group interview, Leonce Ndengakumana, FRODEBU president, Bujumbura, June 2006.

³¹ The director general of the police is General Guillaume Bunyoni; the director of the intelligence service is General Adolphe Nshimirimana.

³² “‘We flee when we see them’ – abuses with impunity at the national intelligence service in Burundi”, Human Rights Watch Report, October 2006, p. 12.

governing its operations until March 2006, when it came under the president’s direct control. While the new regulations require its agents to operate under the direction of the public prosecutor during investigations, they regularly detain people without warrants and for longer than legally permitted.³³ The impression the SNR has become a tool for political repression has been reinforced by the treatment of those accused of the coup attempt – the director, General Adolphe Nshimirimana, has allegedly been present during some torture sessions – as well as threats it has made against members of the press.³⁴

Government officials admit the SNR has disciplinary problems and that officers have committed torture.³⁵ The service has asked the UN to provide human rights training.³⁶ But the persistence of these excesses are symptomatic of dysfunctional institutions. Neither parliament nor the state prosecutor have investigated the abuses. There are also strong indications that the executive is preventing local courts from bringing cases against SNR and army officials.³⁷ All this is likely to fuel popular resentment, especially in Bujumbura and surrounding areas.

Parliament should create a standing security and intelligence committee, staffed equally by government and opposition members, with a mandate to publicly investigate human rights abuses and propose reforms of the SNR. The government should put the SNR under the supervision of the minister of the interior and move to amend the law to prohibit it from arresting suspects without a warrant and detaining them in its facilities.

³³ Law 1/015, 20 July 1999 on the reform of penal procedure permits the detention of suspects arrested without a warrant for only two weeks before they must be charged. FNL Colonel Nzabampema, for example, has been in prison since November 2005 without being charged or tried, and dozens of FNL suspects have been held in the intelligence service’s cells for months without access to lawyers or the right to contact their family. Crisis Group interview, Ligue Iteka, Bujumbura, July 2006.

³⁴ Crisis Group interviews, human rights advocates, Bujumbura, June 2006. “U.S. Department of State”, op. cit.; “‘We flee when we see them’”, op. cit., p. 9.

³⁵ Crisis Group interviews, Bujumbura, September 2006.

³⁶ Crisis Group interview, ONUB official, Bujumbura, July 2006. The Muyinga prosecutor has also arrested the provincial intelligence director.

³⁷ High-ranking officials pressured a prosecutor to withdraw a warrant for the commander of the fourth military region in connection with killings of FNL suspects in Muyinga. The commander has not complied with the warrant, and government officials have said the prosecutor was wrong to have issued it. Crisis Group interview, human rights workers and journalists, Bujumbura, October 2006.

The police need to investigate the numerous human rights abuses documented by human rights groups and the UN.

B. CORRUPTION AND PATRONAGE

The state and the economy are closely linked in Burundi, encouraging violent competition for government office. From 1977 to 1982, the government embarked on massive investment in public works and job creation, setting up some 100 state companies and creating a web of political patronage.³⁸ Many of these companies are in agriculture and benefit from favourable state pricing policies.

State patronage networks permeate much of the economy, and graft is an essential part of business. According to some businessmen, the average “commission” they have to pay for a state contract is between 25 and 60 per cent of the value of the deal, much higher than before the war.³⁹

The public procurement process illustrates the problem. According to one survey, four out of every five state contracts were awarded without an open tender in 2004, a violation of the law on public procurement.⁴⁰ In one case in 2005, a contract for 1,500 tons of beans for the police was awarded to a businessman close to the CNDD-FDD. The only competing offers listed were allegedly made by his relatives; reportedly, he sold the beans at 25 per cent above the market price, an additional profit of over \$200,000.⁴¹ Other contracts are awarded to an unreasonably low bidder, then altered shortly afterwards in favour of that bidder.⁴²

A presidential airplane was sold in June 2006 for a price \$2 million dollars below the highest bid. The tender announcement was published in the official journal only two days before the sale was concluded, violating the minimum 30-day period.⁴³ The matter created controversy

in the press and business circles in Bujumbura, and caused the World Bank to suspend disbursement of a \$60 million grant pending an audit of the sale.⁴⁴ The European Union has complained about the embezzlement of some of its funds destined for infrastructure work.⁴⁵

The restructuring of the sugar sector is said to have benefited CNDD-FDD members. In February 2006, the state granted exclusive licenses for wholesale sugar to seven businessmen, four of whom are CNDD-FDD parliamentarians. This arrangement and the inexperience of the merchants led to distribution problems and an increase in sugar prices. Employees of one of the merchants were caught by the police in July 2006 trying to smuggle sugar in bags labelled salt, a much less valuable commodity.⁴⁶

The government has planned for several years to privatise state companies and liberalise the agriculture sector but little has been done.⁴⁷ For some products important for the largely agricultural economy, such as fertiliser, businessmen complain that the government no longer issues tenders but goes straight to preferred suppliers.

As CNDD-FDD officials are quick to point out, corruption has been a problem in Burundi for many years but this does not excuse the government from failing to address it. Despite numerous reports by NGOs and state auditing bodies, the Ministry for Good Governance, parliament and the courts have all failed to launch investigations. Donors should give incentives for good governance by conditioning further budgetary support on measurable progress against corruption. State contracts granted over the past year should be audited.

³⁸ Janvier Nkurunziza and Floribert Ngaruko, “Why has Burundi grown so slowly?”, available at www.swarthmore.edu/SocSci/soconne1/documents/Nkurunziza.pdf.

³⁹ “Fighting Corruption and Restoring Accountability in Burundi”, issue paper prepared for the U.S. Agency for International Development (USAID) by Nathan Associates Inc., May 2006, p. 5.

⁴⁰ *Ibid.*, p. 6. All contracts with a value over \$5,000 must go through an open tender.

⁴¹ “Rapport des activités 2005”, Observatory for the Fight against Corruption and Graft (OLUCOME).

⁴² *Ibid.*; Crisis Group interview, OLUCOME, Bujumbura, July 2006.

⁴³ The government newspaper, *Le Renouveau*, published the tender on 20 June 2006 with a deadline for submissions of 22 June 2006. In the same issue the Ministry of Finance

published a note on government procurement procedures stating that tenders must remain open for at least 30 days.

⁴⁴ Crisis Group interview, World Bank official, Bujumbura, August 2006. The grant has been approved but \$35 million is to be disbursed only after the audit contract is signed, the rest upon completion of the audit and implementation of its recommendations. An auditing company was appointed in November, and the first tranche of funding is expected to be released soon.

⁴⁵ René Lemarchand, “Burundi’s endangered transition”, FAST Country Risk Profile, Swiss Agency for Development and Cooperation, October 2006, p. 18.

⁴⁶ Radio Publique Africaine, 6 July 2006. The police dropped the charges against the parliamentarian, Generose Inankanyana.

⁴⁷ Crisis Group interview, government official, Bujumbura, July 2006.

IV. SILENCING CRITICS

A contributory factor in the government's authoritarian drift has been the failure of the country's institutions to provide oversight of the executive. Courts and parliament are dominated by the CNDD-FDD, and the political opposition is divided. The governing party has attacked press and civil society, until recently important and vocal critics. The checks and balances of a functioning democracy – crucial in the post-conflict period – are being steadily eroded. Apparently recognising the dangers inherent in its confrontational approach, the government has recently engaged in dialogue with critics, but whether this initiative will be sustained remains to be seen.

A. CONTROLLING STATE INSTITUTIONS

The CNDD-FDD has made sweeping changes to governance arrangements, often in violation of the law. According to the constitution, the president should allocate ministerial positions to reflect the distribution of seats in parliament. However, Nkurunziza gave FRODEBU three ministries, not the five it was entitled to, and the Union for National Progress (UPRONA) one instead of two. Although only parties with more than 5 per cent of the vote have a right to one of the twenty cabinet posts, three parties with less than this each received a ministry.⁴⁸ The ruling party has argued that it included smaller parties as a matter of positive discrimination but the redistribution disadvantaged only UPRONA and FRODEBU – CNDD-FDD kept its full portfolio.⁴⁹

The constitution also gives the president the right to name governors, judges of the Supreme Court and Constitutional Court, directors of state companies and top administrative officials. However, there are several limits to this power. The first is the constitutional requirement to consult the vice presidents on all appointments, which must then be approved by the senate. But as the CNDD-FDD has 65 per cent of senate seats and UPRONA Vice President Martin Nduwimana has never turned down a nomination, this safeguard has atrophied.⁵⁰

The second check is the law on public administration, which limits the number of positions the president and

his ministers can award directly.⁵¹ Technical jobs, such as directors of state companies and secretaries general in ministries are supposed to be subject to competitive appointment and minimum education and professional experience requirements. But the president has not yet issued the decree to establish the commission that is to supervise this process; in the meantime, he has filled many of the posts with CNDD-FDD members.⁵²

The result is the CNDD-FDD has carried out sweeping personnel changes in state companies, local administration and the court system, with most positions going to its own members. The government has replaced all FRODEBU and all but one UPRONA directors of state companies with its loyalists.⁵³ The placing of many CNDD-FDD officials in the court system has undermined judicial independence. Several newly-appointed Supreme Court judges, reportedly close to the CNDD-FDD, approved the detention of the coup suspects in October 2006.

Another troubling trend has been the government's removal of elected public officials. In July 2006, the governors of Bujumbura town and Bujumbura Rural dismissed three FRODEBU communal administrators, accusing them of corruption and disobedience. As the minister of the interior later explained, the dismissals violated the law on communal administration, which requires administrators to be appointed and replaced by communal councils. Nevertheless, CNDD-FDD administrators were appointed shortly afterwards.⁵⁴

These abuses led to FRODEBU's decision in March 2006 to withdraw from government and go into opposition. Although some members of UPRONA have pushed their party to follow suit, its leadership has decided to retain its ministerial positions.

⁵¹ These positions include provincial governors, mayors, ambassadors, presidential and vice presidential advisers and protocol officers. Law No 1/09 of 19 March 2005 concerning the distinction between political and technical positions.

⁵² Crisis Group interview, parliamentarian, September 2006.

⁵³ Floribert Ngaruko and Janvier Nkurunziza, "An Economic Interpretation of Conflict in Burundi", *Journal of African Economies*, vol. 9, no. 3, p. 386.

⁵⁴ Article 101 of the communal law states that an administrator can only be dismissed by a three-fourths majority in the communal council or by the central administration, which must then consult the communal council. The communal council did approve the new CNDD-FDD administrators. See also "Après la commune de Buterere, le pouvoir CNDD-FDD limoge deux administrateurs issus du Frodebu en toute illégalité", *Burundi Réalités*, 6 July 2006; Crisis Group interview, Burundi government official, July 2006.

⁴⁸ Party for National Recovery (PARENA), Movement for the Rehabilitation of the Citizen (MRC) and Inkizo.

⁴⁹ Crisis Group interview, CNDD-FDD official, Dar es Salaam, June 2006.

⁵⁰ According to the constitution (Article 123), the president can remove a vice president at any time.

B. THE OPPOSITION'S WEAKNESS

CNDD-FDD dominance of government institutions is reinforced by the weakness of the opposition, which has not criticised or dissented from any legislation.⁵⁵ All eight parliamentary commissions are led by members of the ruling party. While the CNDD-FDD is just short of the two-thirds majority it needs to pass laws on its own, other parties are too weak and divided to challenge it. In the words of Burundi expert René Lemarchand, "laws are rammed through parliament without any real debate. The state and the party are two faces of the same coin".⁵⁶

There have been no commissions of inquiry since the parliament was convened in 2005, despite numerous reports of corruption and human rights abuses. Parliamentarians have also made scant use of their power to question ministers. This inaction is due not only to CNDD-FDD dominance of the legislature, but also to internal divisions in the other main parties, FRODEBU and UPRONA. FRODEBU entered parliament riven by a leadership struggle between Jean Minani, its president during the transition, and Leonce Ndengakumana, who replaced him in late 2005.⁵⁷ Three of its parliamentarians have defected to the CNDD-FDD. Many of the remaining 27 do not vote with Ndengakumana. When FRODEBU left government in March 2006, more than half its national assembly members wrote a letter in protest.⁵⁸ This can be explained by leadership struggles but also by CNDD-FDD co-option. Several FRODEBU members, including its three ministers, have joined the ruling party, and others are said to have been bought.

UPRONA has similarly had to deal with internal dissidents.⁵⁹ Many of its members – in particular those without government positions – oppose the decision to remain in government, especially after the reported torture of Kadege.⁶⁰ Nonetheless, the UPRONA

parliamentary group does not display the same level of disarray as FRODEBU.

Political fragmentation is compounded by the government's use of force to repress political competition. FRODEBU claims its offices in several provinces have been barred from holding meetings due to alleged ties to the FNL. National police raided the CNDD-Nyangoma headquarters in Bujumbura in September and forced it to close a month later.⁶¹

The fragmentation that hampers parliamentary opposition to the CNDD-FDD may cause some legislators to try to forge other, more effective, coalitions but it may also lead them to resort to force if they perceive they cannot challenge the government through political institutions. Ultimately unsuccessful efforts by FRODEBU and CNDD-Nyangoma in early 2006 to influence the FNL in its negotiations with the government should be seen in this light. Senior members of both parties, including Leonard Nyangoma, spent several weeks in Dar es Salaam before and during the negotiations, reportedly trying to persuade the FNL to hold out for a number of political demands before signing the peace deal.⁶² The CNDD-FDD believes these parties seek an alliance with the FNL – a "Hutu block" – to challenge it in the 2010 elections⁶³ but the possibility opposition parties could also use the FNL to pressure the ruling party militarily underlines the importance of implementing the 7 September ceasefire.

Recognising the growing danger, the minister of interior, Evariste Ndayishimiye, held two meetings with political parties in September and October 2006 to defuse tensions. However, his own CNDD-FDD boycotted the meetings, and the government has not yet replied to the complaints the parties submitted. The CNDD-FDD should actively participate in this initiative and meet monthly with all main parties.

⁵⁵ Crisis Group interviews, parliamentarians, Bujumbura, July 2006.

⁵⁶ Lemarchand, *op. cit.*, p. 27.

⁵⁷ Ndengakumana is supported by the former president, Domitien Ndayizeye.

⁵⁸ Crisis Group interview, parliamentarian, Bujumbura, July 2006; Crisis Group interview, ONUB official, Bujumbura, August 2006.

⁵⁹ UPRONA is not formally in opposition, as it is represented in the government.

⁶⁰ One of the few acts of protest was the boycott by FRODEBU, CNDD-Nyangoma and UPRONA of parliament in July-August 2006 over a law on an anti-corruption brigade. The same coalition reportedly walked out during the nomination hearings of Second Vice President Marima Barampana, depriving the national assembly of the necessary two-thirds quorum. The remaining parliamentarians approved her anyway.

⁶¹ In 2003, the CNDD split into two main factions, one of which became the CNDD-FDD under Nkurunziza while the other remained under the control of Nyangoma, the founder of the CNDD; Crisis Group interview, local journalists, Bujumbura, October 2006.

⁶² Crisis Group interview, foreign diplomat and local NGO, Bujumbura, August 2006.

⁶³ Some diplomats and CNDD-FDD officials believe FRODEBU and Nyangoma wanted the FNL to ask for more government positions, which they would fill with their own members; others suggest that by raising the stakes, they wanted to cause the Dar es Salaam peace talks to fail, thus keeping the FNL out of government and less likely to be co-opted by CNDD-FDD. Crisis Group interviews, Bujumbura, July and August 2006.

C. CLAMPING DOWN ON PRESS AND CIVIL SOCIETY

1. The press

Given the weakness of the opposition and the CNDD-FDD's dominance of state institutions, the strongest opposition to the new government has come from the press and civil society. As a CNDD-FDD parliamentarian commented, "opposition takes place in the press, not in parliament".⁶⁴ As criticism has mounted, however, the authorities have become increasingly hostile to the media. This has been exacerbated by the government's inexperience at dealing with the press and the lack of professionalism of some journalists, who launch personal attacks or unsubstantiated allegations against officials. Tutsi dominance in civil society and media has led some CNDD-FDD officials to claim criticism is ethnically motivated.⁶⁵

Several incidents illustrate the deteriorating relations between the government and the press. On 17 April 2006, at a press conference by parliamentarian Matias Basabose, 30 journalists were detained by the police, and one was beaten.⁶⁶ On 31 May journalist Aloys Kabura was arrested in Ngozi for criticizing the government's handling of this incident.⁶⁷ In August, the government shut down the local Ngozi antenna of Radio Publique Africaine (RPA), and in November three journalists were arrested for their reporting on the coup plot.⁶⁸ The directors of the two most influential radio stations in Bujumbura are now either in jail or in exile.⁶⁹

Some CNDD-FDD officials have taken an aggressive stance towards the press. In June 2006, Minister of

Information Karenga Ramadhan told a seminar of journalists: "We have survived bombs; it is not some journalists who will cause us trouble now. We will use force to deal with journalists, but within the limits of the law".⁷⁰ He emphasises that no radio stations will be silenced but journalists will be taken to court for defamation.⁷¹ In September 2006, local radio stations Isanganiro and Radio Publique Africaine received anonymous death threats, and several journalists have fled the country.⁷² At a press conference on the coup plot, the state prosecutor accused journalists of "disturbing order and security regarding this matter" and said that if they continued looking into the affair, "it could be fatal for you".⁷³

At the CNDD-FDD's first anniversary rally in Bujumbura in September 2006, its president, Hussein Rajabu, sent a not very thinly-veiled warning to the press by telling the story of a talking skull that a journalist found on the street. The skull told the journalist, "I died a natural death but you will die because of your words".⁷⁴ The press has fought back, and some journalists have personally criticised the minister. Radio Publique Africaine, for example, has carried frequent editorials against him.

Press laws are vague about the offences for which journalists can be charged, giving the government wide discretion.⁷⁵ A law is being drafted on the status of journalists which would better define media responsibilities and duties and also require journalists to apply for accreditation from the National Communication Council.⁷⁶ The government should involve the media in

⁶⁴ Crisis Group interview, CNDD-FDD parliamentarian, Bujumbura, July 2006

⁶⁵ Crisis Group interview, ONUB official, Bujumbura, July 2006. Tutsi preponderance in civil society and media is due largely to marginalisation of many Hutu intellectuals during military rule. Many Tutsi intellectuals prefer to voice opposition in civil society, not in parties they consider weak. Some of the most diligent regime critics are Hutu, such as NGO activist, Terence Nahimana, jailed for threatening state security.

⁶⁶ Basabose was announcing defection from the CNDD-FDD because of what he called an authoritarian drift.

⁶⁷ Kabura was sentenced to five months for defamation and was released in October 2006.

⁶⁸ The government claims RPA did not pay its broadcasting tax; the station denied this. The president of the Radio Broadcasting Association has said several stations have not paid taxes but that closing the station was an unprecedented, extreme measure.

⁶⁹ The directors are Alexis Sinduhije of Radio Publique Africaine and Matias Manirakiza of Radio Isanganiro.

⁷⁰ Seminar on the press, Bujumbura, June 2006.

⁷¹ Crisis Group interview, Karenga Ramadhan, minister of information, Bujumbura, September 2006.

⁷² Crisis Group interviews, local journalists, Bujumbura, September 2006. An anonymous email to Isanganiro read: "We are not playing anymore. Either you close [your website] or we will be obliged to force you by all means. We are giving you one month. After that, you are to blame yourself for anything that happens".

⁷³ "'Climat délétère' entre la presse et les autorités : Reporters sans frontières écrit au président de la République", Reporters Without Borders, 11 August 2006.

⁷⁴ "La presse privée, accusée de tous les maux, sera sans doute la première victime de la répression", Reporters Without Borders, press release, 7 September 2006.

⁷⁵ For example, Law no. 1/025 of 27 November 2003 states in Article 10: "The journalist must abstain from publishing... information threatening: national unity, public order and security, morality and good values, human honour and dignity; national sovereignty; and the private life of people".

⁷⁶ Crisis Group interview, Karenga Ramadhan, minister of information, Bujumbura, September 2006. The members of this council are named by the president upon proposals from press associations.

the drafting process, for example through a public seminar. To ensure press freedom, accreditation and sanctions should be administered by an independent professional body, not the government.

The government is making efforts to improve relations. On 18 October, President Nkurunziza met with media representatives and promised regular sessions to discuss problems. The government could build on this initiative by having the minister for information hold weekly press briefings and question-and-answer sessions. At the same time, the press should better regulate itself by sanctioning members who violate its professional code of ethics.

2. Civil society

The government has also targeted civil society. In May 2006, Terence Nahimana, a local NGO leader, was arrested for threatening state security after warning that the government might help Rwanda and Uganda re-invade the Congo.⁷⁷ Shortly after the coup plot was announced, Gabriel Rufyiri, president of the NGO Observatory for the Fight Against Corruption and Graft (OLUCOME), which had published numerous reports criticising the government for embezzlement and corruption, was arrested on defamation charges.⁷⁸

The authorities have abused pre-trial detention powers, which under the penal code allow the judiciary to detain suspects indefinitely for minor abuses. Nahimana and Rufyiri have been held this way. An international penal expert estimates that over 70 per cent of prisoners are in pre-trial detention.⁷⁹

Government officials have also limited the freedom of association enshrined in the constitution. A meeting of Kirundo Avenir, a community organisation from northern Burundi, was dispersed by police in Bujumbura in January even though it had been authorised by the mayor. A ceremony at the tomb of the unknown soldier by Action Against Genocide, a Tutsi rights group, was violently broken up in May 2006.⁸⁰

⁷⁷ The exact quote was: "The government appears to have a hidden agenda with Rwanda and Uganda, who may return to the eastern Congo through Burundi. This project would fail if the FNL is no longer a pretext for the government". Letter published at www.arib.info, 26 May 2006.

⁷⁸ The charges were brought against him by Hilaire Ndayizamba, a businessman who has received numerous state contracts. Rufyiri's pre-trial detention for this offence is questionable under the penal code.

⁷⁹ Crisis Group interview, Bujumbura, September 2006.

⁸⁰ "Mémorandum sur l'état des libertés publiques au Burundi", signed by several civil society groups on 26 May 2006.

Here, too, the government has recently taken steps to mend relations. In October 2006, Vice President Nduwimana and Minister of the Interior Ndayishimiye met with civil society groups and promised improved conduct. In addition to dialogue, however, the government should make it clear to the courts that pre-trial detention should be the exception, not the rule and should not be used for cases such as defamation or when the suspect is unlikely to flee or harm others.

D. DIVISIONS WITHIN THE CNDD-FDD?

Since its creation in 1994, the CNDD-FDD has had numerous leadership changes and purges. In 1998, Leonard Nyangoma was replaced by Jean Bosco Ndayikengurukiye, who in turn was removed in 2001, when Nkurunziza took over. Rajabu is said to have been influential in each leadership change.⁸¹ He was also allegedly one of the key brokers responsible for support from Kinshasa during the civil war and had considerable control over weapons and party finances.⁸² In the past year he has been influential in nominations for state companies, has gone on several diplomatic trips for the president and is seen by diplomats and Burundian authorities alike as the most powerful person in the country.⁸³

The ruling party is increasingly stifling constructive debate within its own ranks, preventing members from correcting abuses. On 5 September 2006, second Vice President Alice Nzomukunda resigned from government, citing "security problems, the disrespect of laws, problems of justice and problems in the management of finances".⁸⁴ She is one of the party's leading figures and one of the few members to criticise its policy. In her press conference she cited Rajabu as the main obstacle to peace and development and called for his removal.⁸⁵

⁸¹ Crisis Group Africa Briefing N°9, *The Burundi Rebellion and the Ceasefire Negotiations*, 6 August 2002; Crisis Group interview, Leonard Nyangoma, Bujumbura, January 2006.

⁸² Crisis Group interviews, diplomats and members of civil society, September 2006.

⁸³ Crisis Group interview, CNDD-FDD officials, press and diplomats, Bujumbura, July 2006.

⁸⁴ Press release, 5 September 2006, available at www.arib.info.

⁸⁵ This followed another notable defection, by parliamentarian Matias Basabose in April 2006. He was a prominent Tutsi member and close to Rajabu, whom he accused of extorting large sums of money from businessmen in return for political favours and lucrative contracts and running the party in a dictatorial fashion. Basabose had managed the party's election campaign and helped manage its finances. The party accused him of having left in order to preempt accusations of

There have also been signs of unhappiness among those who fought for the party in the civil war. CNDD-FDD officers integrated into the security services have complained about conditions. While some demobilised colleagues obtained positions in local administration and parliament, those remaining in the army are poorly paid and feel neglected. In March 2006, the cabinet was reshuffled so as to promote some of these leaders, and army pay was raised significantly. Discontent is said to have subsided since.⁸⁶

Despite the increasing complaints in the capital, the ruling party still enjoys the support of much of the population in the interior. The end of the war has improved security in much of the country, and Nkurunziza's populist rhetoric and frequent trips to rural areas have endeared him with many peasant farmers, who constitute over 90 per cent of the population.

E. STRAINED INTERNATIONAL RELATIONS

The international community has played a key role in keeping the peace process on track. Relations have deteriorated over the past year, however, as the government has made it clear it does not want foreign "interference" in domestic affairs, even though donors finance 60 per cent of its budget.

The European Union and ONUB have expressed concern over torture and human rights abuses, and Belgian Foreign Minister Karel De Gucht warned the UN General Assembly on 20 September 2006 that "the government's reaction towards the press and the opposition, as well as the management of public affairs, jeopardise the evolution of democracy".⁸⁷

Governance problems have prevented the international community from disbursing much of its aid. By September less than 10 per cent of the funds earmarked for 2006 had been paid out.⁸⁸ In February 2005, the government rejected the creation of a Partner Forum to coordinate aid out of fear it would be too intrusive. The current donor coordination structure, the National

embezzlement. Rajabu has called the accusations against himself politically motivated. Crisis Group interview, Basabose, Bujumbura, September 2006.

⁸⁶ Crisis Group interview, high-ranking army officer, Bujumbura, September 2006. The monthly salary for a colonel, for example, went up from \$100 to \$240.

⁸⁷ Belgian government web site, <http://www.diplomatie.be/fr/press/speechdetails.asp?TEXTID=57099>.

⁸⁸ Crisis Group interview, government official, Bujumbura, September 2006. The bulk of these funds is World Bank money that, as described above, was frozen pending an audit on the sale of a presidential airplane.

Commission for Aid Coordination, is not fully functional and has not met in months.⁸⁹

In January 2006, the government asked ONUB to leave and the UN to limit its involvement to development work. In August 2006, it pressured Nureldin Satti, the ONUB's interim head, to leave, complaining he had overstepped his mandate.⁹⁰ The UN refused to recall him and reached agreement for him to remain until December, when the last ONUB troops will leave. The peacekeeping mission will then be transformed into an integrated office to coordinate the work of all UN agencies. Although this office will still have a political affairs section, its mandate will focus mainly on development.

A key development in terms of international support to the peace process and consolidation of democracy was the decision on 23 June 2006 of the UN's new Peacebuilding Commission (PBC) to create a country-specific group for Burundi, one of only two countries benefiting from this status. It will bring the government together with major current and potential donors including the World Bank, the European Union, the African Union, UN specialised agencies, bilateral donors and civil society.⁹¹

The PBC's engagement is facilitated by the fact that Carolyn McAskie, the Assistant Secretary General for Peacebuilding Support, was Kofi Annan's Special Representative for Burundi from 2004 to 2006. The PBC can play an important role in maintaining political pressure on the government by engaging it regularly in review and discussion of human rights and governance issues. At the new body's 13 October 2006 meeting, the government itself identified governance as a critical priority in the peacebuilding process.⁹²

⁸⁹ Crisis Group email correspondence, donor, September 2006.

⁹⁰ Crisis Group interview, government official, Bujumbura, September 2006.

⁹¹ Crisis Group President Gareth Evans suggested several specific areas for the PBC's engagement in Burundi, including economic reconstruction and diversification, good governance, national reconciliation and accountability, land reform, security sector reform and regional dialogue in his speech, "What Difference Would the Peacebuilding Commission Make: The Case of Burundi", to the European Policy Centre/IRRI Workshop on Peacebuilding Commission and Human Rights Council, Brussels, 20 January 2006, available at www.crisisgroup.org/home/index.cfm?id=3903&l=1. Sierra Leone is the other country accorded a country-specific group.

⁹² Chairman's Summary, Burundi Country Specific Meeting, UN Peacebuilding Commission, 13 October 2006.

If it is to help entrench democracy, the international community needs to take stock of its engagement with the government. Further aid disbursements should be conditional upon improvements in human rights and economic governance, and genuine dialogue with the regime's critics. One of the PBC's tasks should be to develop and monitor the relevant benchmarks in these areas.

The new UN body should add further value to the peace consolidation process by serving as the key forum for information sharing, which was already begun in October, and by coordinating programs, but also by building donor confidence in the process and, if the benchmarks are met, increasing the flow of reconstruction and development assistance. Finally, in line with recommendations of its chairman's report on the 13 October consultations, the PBC should serve as a mechanism to ensure that civil society, including women's groups, the private sector and the media, are full participants in the development of national strategies for the consolidation of peace. All these matters should be taken up at the next meeting of the Burundi PBC group, the week of 11 December.

The East African Community, which Burundi recently joined, should introduce a peer review mechanism to promote governance and human rights. If the government does not improve its record, donors should consider channelling funding through civil society instead of state institutions.

V. CONCLUSION

Despite strong progress in the peace process over the past three years, the political situation remains fragile. The CNDD-FDD has used state institutions – including the security services, state companies and courts – to consolidate its power, often with scant respect for the rule of law and human rights. The political opposition is too weak and divided to check these abuses.

This winner-takes-all approach will have a number of negative consequences. First, it will complicate the implementation of the ceasefire agreement with the FNL. If the rebels' goal is to transform themselves into a political party that can challenge the CNDD-FDD in the 2010 general elections, they must be guaranteed the political space and freedom to do so.

Secondly, those excluded from economic and political power could be tempted to resort to force to undermine the government. In a poor country with almost 50,000 demobilised soldiers and militia members and to which over 500,000 refugees are likely to return in the next few years, there is plenty of raw material for renewed violence.⁹³

The government can defuse the situation by respecting the rule of law, engaging its critics in a constructive dialogue and punishing officials guilty of abuses. Regional allies such as Uganda, Tanzania and South Africa, each a key broker of the peace process, must place the same emphasis on human rights and civil liberties as they did on ending the civil war. The wider international community, which has – appropriately until now – hailed Burundi as a success story, must also rise to the challenge by continuing to promote good governance and human rights after the departure of UN peacekeepers in December 2006 lest the achievements of the past several years be put at serious risk.

Nairobi/Brussels, 30 November 2006

⁹³ Lemarchand, *op. cit.*, pp. 23-24.

APPENDIX A

MAP OF BURUNDI



APPENDIX B

ELECTION STATISTICS AND KEY PERSONALITIES

President Pierre Nkurunziza (CNDD-FDD)

First Vice President Martin Nduwimana (UPRONA)

Second Vice President Marine Barampama (CNDD-FDD)

Ministers

| Party | Number of Ministers |
|--|---------------------|
| National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) | 12 |
| Front for Democracy in Burundi (FRODEBU) ¹ | 3 |
| Union for National Progress (UPRONA) | 1 |
| Movement for the Rehabilitation of Citizens-Rurenzangemero (MRC) | 1 |
| Inkanzo | 1 |
| Party for National Recovery (PARENA) | 1 |
| Military | 1 |
| Total | 20 |

Elections

Communal Elections, 3 June 2005

| Party | Number of seats |
|--|-----------------|
| National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) | 1,781 |
| Front for Democracy in Burundi (FRODEBU) | 822 |
| Union for National Progress (UPRONA) | 260 |
| National Council for the Defense of Democracy (CNDD) | 135 |
| Movement for the Rehabilitation of Citizens-Rurenzangemero (MRC) | 88 |
| Party for National Recovery (PARENA) | 75 |
| Others | 64 |
| Total | 3,225 |

Parliament: National Assembly Election, 4 July 2005

| Party /Coalition | Number of Votes | % of Votes | Number of seats * |
|--|-----------------|------------|-------------------|
| National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) | 1,417,800 | 58.55% | 59 (64) |
| Front for Democracy in Burundi (FRODEBU) | 525,336 | 21.70% | 25 (30) |
| Union for National Progress (UPRONA) | 174,575 | 7.21% | 10 (15) |
| National Council for the Defense of Democracy (CNDD) | 100,366 | 4.14% | 4 (4) |
| Movement for the Rehabilitation of Citizens-Rurenzangemero (MRC) | 51,730 | 2.14% | 2 (2) |
| Party for National Recovery (PARENA) | 42,223 | 1.74% | - (-) |
| Independents & Others | 109,396 | 4.51% | - (-) |
| Seats reserved for ethnic Twa members | - | - | - (3) |
| Total | | | 100 (118) |

* 100 seats were filled based on the election results. The remaining eighteen seats were allocated based on the constitutional requirement that 60 per cent of seats be filled by ethnic Hutus, 40 per cent by ethnic Tutsis and 30 per cent by women, as well as three seats by ethnic Twa. Figures in parentheses reflect the distribution of seats after these requirements were met.²

¹ All FRODEBU ministers have requested membership in the CNDD-FDD

² Source: africanelections.tripod.com

Parliament: Senate

| Party | Number of seats |
|--|-----------------|
| National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) | 32 |
| Front for Democracy in Burundi (FRODEBU) | 5 |
| National Council for the Defense of Democracy (CNDD) | 3 |
| Union for National Progress (UPRONA) | 2 |
| Seats reserved for ethnic Twa members | 3 |
| Seats reserved for ex-Presidents | 4 |
| Total | 49 |

Major State Companies and Societies - Directors General

| Company or Society | Director General | Ethnicity | Political Affiliation |
|--|------------------------|-----------|-----------------------|
| Social Security (INSS) | Nicéphore Ndimurukundo | Tutsi | PIT |
| Insurance (SOCABU) | Eloie Bigerinyange | Tutsi | CNDD-FDD |
| Bank of Burundi (BRB) | Gabriel Nicezerano | Hutu | CNDD-FDD |
| Burundi Finance Society (SBF) | Donavine Niyongabire | Hutu | CNDD-FDD |
| National Bank for Economic Development (BNDE) | Ciza Jean | Hutu | CNDD-FDD |
| Burundi Credit Bank (BCB) | Prime Nyamoya | Tutsi | n/a |
| Commercial Bank of Burundi (BANCOBU) | Currently no DG | n/a | n/a |
| Burundi Popular Bank (BPB) | Currently no DG | n/a | n/a |
| Electricity and Water Distributer (REGIDESO) | Wilson Itangishaka | Tutsi | CNDD-FDD |
| Telecoms (ONATEL) | Alfred Ndanigamije | Hutu | CNDD-FDD |
| Air Burundi | Salvator Nizigiyimana | Hutu | CNDD-FDD |
| Telecoms Regulator (ARCT) | Joseph Nsengana | Hutu | CNDD-FDD |
| Tea (OTB) | Alexis Nzohabonimana | Hutu | CNDD-FDD |
| Coffee (OCIBU) | Deo Nduwimana | Tutsi | CNDD-FDD |
| Sugar (SOSUMO) | Alexis Ntaconzoba | Tutsi | CNDD-FDD |
| Society for Development of the Imbo Plain (SRDI) | Venant Niyongere | Tutsi | CNDD-FDD |
| Society for Selling and Packaging (SODECO) | Cyrille Ndenzako | Tutsi | UPRONA |
| Airport Management (SOBUGEA) | Henry Lepage | Hutu | CNDD-FDD |
| Burundi Commerce and Investment Bank (BBCI) | Juliette Bamerwa | Tutsi | CNDD-FDD |
| Bujumbura Textile Company (COTEBU) | Festus Ntanyungu | Hutu | CNDD-FDD |

Ambassadors

| Country | Name of Ambassador | Ethnicity | Political Affiliation |
|----------------|------------------------------|-----------|-----------------------|
| Belgium | Laurent Kavakure | Hutu | CNDD-FDD |
| France | Ildephonse Nkeramihigo | Tutsi | MRC |
| Italy | Leopold Ndayisaba | Hutu | CNDD-FDD |
| Tanzania | Leandre Amuri Bagengwanubusa | Hutu | CNDD-FDD |
| Kenya | Colonel Jeremie Ngendakumana | Hutu | CNDD-FDD |
| Rwanda | Serge Karonkano | Tutsi | UPRONA* |
| Russia | Renovat Ndayirukiye | Tutsi | CNDD-FDD |
| Egypt | Amissi Ntangibingura | Hutu | CNDD-FDD |
| China | Colonel Gabriel Sabushimike | Tutsi | None officially |
| Canada | Appolonie Simbizi | Tutsi | CNDD-FDD |
| Ethiopia | Augustin Nsanze | Hutu | CNDD-FDD |
| Germany | Domitile Barancira | Tutsi | None officially |
| Francophonie | Jeanne Bigayimpunzi | Tutsi | Not known |
| United States | Celestin Niyongabo | Tutsi | UPRONA* |
| Libiya | Raphael Bitariho | Hutu | UPRONA |
| Nigeria | Hassan Rukara | Tutsi | CNDD-FDD |
| Switzerland | Paul Mahwera | Hutu | CNDD-FDD |
| United Nations | Joseph Ntakarutimana | Tutsi | CNDD-FDD |
| South Africa | Patricia Rwimo | Tutsi | UPRONA |

* The Ambassadors to the United States and Rwanda are presumed to be from the UPRONA party although it was not possible to confirm this.

Provincial Governors

| Province | Name of Governor | Ethnicity | Political Affiliation |
|-----------------|------------------------|-----------|-----------------------|
| Bubanza | Pascal Nyabenda | Hutu | CNDD-FDD |
| Bururi | Veronique Nizigama | Hutu | CNDD-FDD |
| Bujumbura rural | Zenon Ndaruvukanye | Hutu | CNDD-FDD |
| Cankuzo | Regine Katabarumwe | Tutsi | CNDD-FDD |
| Kayanza | Venant Hatungimana | Hutu | CNDD-FDD |
| Kirundo | Francois Singayimiheto | Tutsi | CNDD-FDD |
| Makamba | Reverien Ndikuriyo | Hutu | CNDD-FDD |
| Muramvya | Joachim Barutwanayo | Hutu | CNDD-FDD |
| Muyinga | Feruzi Mohamed | Tutsi | CNDD-FDD |
| Ngozi | Felix Niragira | Tutsi | CNDD-FDD |
| Rutana | Marcelline Bararufise | Tutsi | UPRONA |
| Ruyigi | Moise Bucumi | Hutu | CNDD-FDD |
| Bujumbura town | Celestin Sebutama | Tutsi | CNDD-FDD |
| Cibitoke | Samson Ndayizeye | Hutu | CNDD-FDD |
| Gitega | Selemani Mossi | Hutu | CNDD-FDD |
| Mwaro | Renilde Ndayishimiye | Tutsi | MRC |
| Karuzi | Sylvestre Ndayizeye | Hutu | CNDD-FDD |

Judiciary

| Position | Name | Ethnicity |
|--|----------------------------|-----------|
| State Prosecutor | Jean-Bosco Ndikumana | Hutu |
| Bujumbura Prosecutor | Stanislass Nimparagitse | Hutu |
| President of the Supreme Court | Marie Ancilla Ntakaburimwo | Hutu |
| Vice-president of the Supreme Court | Gregoire Nkeshimana | Hutu |
| Adviser to the Supreme Court | Therese Ntjinama | Tutsi |
| Adviser to the Supreme Court | Leonard Gacuko | Hutu |
| Adviser to the Supreme Court | Domine Banyankimbona | Hutu |
| Adviser to the Supreme Court | Andre Ntahomvukiye | Tutsi |
| Adviser to the Supreme Court | Patrice Ntawe | Tutsi |
| Adviser to the Supreme Court | Jerome Bidaharira | Tutsi |
| Adviser to the Supreme Court | Isidore Nzisabira | Hutu |
| President, Bujumbura Court of Appeal | Gerard Ndikumagenge | Hutu |
| President, Bujumbura Administrative Court | Alice Nijimbere | Tutsi |
| President, Bujumbura Court of First Instance | Honore Nshimirimana | Tutsi |
| President, Constitutional Court | Elysee Ndaye | Hutu |
| Vice-presidente, Constitutional Court | Spes Caritas Niyonteze | Tutsi |
| Permanent Member, Constitutional Court | Nepomuscene Sabushimike | Tutsi |
| Permanent Member, Constitutional Court | Merius Rusumo | Hutu |
| Member of the High Council of the Judiciary | Christine Nzeyimana | Hutu |
| Idem | Onesphore Nikuze | Hutu |
| Idem | Marie Ndayikunda | Hutu |
| Idem | Julius Bucumi | Hutu |
| Idem | Valentin Bagorikunda | Hutu |
| Idem | Patrice Ntawe | Tutsi |
| Idem | Therese Ntjinama | Tutsi |
| Idem | Andre Nyabenda | Hutu |
| Idem | Anatole Nizigiyimana | Tutsi |
| Idem | Ferdinand Ntakarutimana | Tutsi |
| Idem | Arthemon Kamanzi | Hutu |
| Idem | Rose Niragira | Tutsi |
| Idem | Jean-Pierre Amani | Hutu |
| Idem | Justin Rwasana | Hutu |

Ministry of defence/armed forces

| Position | Name | Ethnicity | Original defence corps | Grade |
|---|---------------------|-----------|----------------------------|---------|
| Minister | Germain Niyoyankana | Tutsi | Burundi Armed Forces (FAB) | General |
| Chief of Defence Staff | Gahiro | Tutsi | FAB | General |
| Deputy Chief of Defence Staff | Niyombare | Hutu | CNDD-FDD | General |
| Joint Chief of Staff | Hakiza | Tutsi | FAB | General |
| Chief of Training | Harushimana | Hutu | FAB | General |
| Chief of Logistics | Ntiranyibagira | Hutu | CNDD-FDD | General |
| Commander of the First Military Region | Nzisabira Fabien | Tutsi | FAB | Colonel |
| Commander of the Second Military Region | Niyongabo Prime | Hutu | CNDD-FDD | Colonel |
| Commander of the Third Military Region | Ndikuriyo Cyprien | Tutsi | FAB | Colonel |
| Commander of the Fourth Military Region | Bangirinama | Hutu | CNDD-FDD | Colonel |
| Commander of the Fifth Military Region | Gaciyumbwenge | Tutsi | FAB | General |
| Director General for Human Resources | Miburo | Hutu | CNDD-FDD | Colonel |
| Director General for Planning and Strategic Studies | Ndayisaba | Tutsi | FAB | General |
| Director General for Supplies and Management | Cishahayo | Tutsi | FAB | Colonel |
| Director General for Former Combatants | Nkurunziza | Hutu | CNDD-FDD | Colonel |
| Deputy Joint Chief of Staff | Niyungeko | Hutu | CNDD-FDD | General |

Police and National Intelligence Service

| Position | Name | Ethnicity | Political Affiliation | Grade |
|--|----------------------|-----------|-----------------------|---------|
| Director of National Police | Guillaume Bunyoni | Hutu | CNDD-FDD | General |
| General Administrator of National Intelligence Service | Adolphe Nshimirimana | Hutu | CNDD-FDD | General |

APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with nearly 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

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

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

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

Crisis Group's international headquarters are in Brussels, with advocacy offices in Washington DC (where it is based as a legal entity), New York, London and Moscow. The organisation currently operates thirteen field offices (in Amman, Bishkek, Bogotá, Cairo, Dakar, Dushanbe, Islamabad, Jakarta, Kabul, Nairobi, Pristina, Seoul and Tbilisi), with analysts working in over 50 crisis-affected countries and territories across four continents. In Africa, this includes Angola, Burundi, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Liberia, Rwanda, the Sahel region, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia,

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November 2006

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