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**Reflection on the Independence of the Independent National Electoral Commission in Burundi (CENI): Case of the 2010 elections**

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**Abstract**

The current of democratic political power has crossed the world. So far it is almost the only one accepted and claimed by the people of several countries. The people only support electoral regimes. On the other hand, we can even define democracy by elections. These must be credible and transparent. The government, long in charge of the organization of the elections, entrusts the electoral process to independent commissions to reduce the grip of the executive power. These commissions present an important stake: they allow the modification or the conservation of the power. They have a great role to play in making transparent and credible elections successful in order to prevent post-election conflicts.

Nevertheless, they have not always lived up to this mission. Many countries have experienced political instability or even wars that have lasted too long. This following elections whose results are not accepted by some of the actors in competition.

That is why I ask myself, in these lines, a question as to why there are these conflicts related to the electoral process while the institution in charge is independent? But what does the independence of the CENI mean? Is it sufficiently guaranteed in the mode of designation of its members? what are the benefits of a fully independent election management body? Is there a link between the independence or otherwise of the election management body, the perception of credibility of elections and electoral violence? How to further

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guarantee the independence and professionalism of the CENI in Burundi? These are some of the questions that structure our thinking.

Published sources including general works on elections and election commissions will guide us in our reflection. Our ideas will also be drawn from legal texts such as Burundi's constitution, some laws and electoral codes, various reports and some writings on the 2010 elections in Burundi.

**Key words: Democracy, Independence, Election, CENI**

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## INTRODUCTION

Before the democratic transitions, the elections were in many African countries, organized by the public administration through the ministries of the interior.

Since the early 1990s, with the beginning of democracy, this mode of management was replaced by another because it was incapable of meeting the requirements of the neutrality and transparency necessary for the management of pluralist elections. However, in spite of the independent institutions organizing the elections, most countries, including ours, which is Burundi, have not always been immune to electoral conflicts.

The Burundian CENI is rooted in the Arusha Accords<sup>1</sup>, which have set up an independent commission to take over the electoral process. It will also help to have institutions that will be accepted by all stakeholders. However, the 2010 elections that are the subject of our study were followed by post-election political conflicts. They have been marked by disputes from political parties and civil society, many irregularities, accusations of fraud and the boycott of certain political parties. We therefore note that the existence of independent commissions does not automatically mean that elections are clean and acceptable, but the institutions responsible for electoral administration must be able to arbitrate the actors so that everyone is in their place and candidates are treated fairly.

Some research carried out in Burundi took commissions as an instrument for analyzing electoral processes. Now, in this article, we will take them as an object of study because convinced that they deserve a proper study because of its influence on the governments produced by themselves.

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<sup>1</sup> The Arusha accords, named for the city of Arusha in Tanzania, is a peace agreement for Burundi signed on August 28, 2000 by the government of president Pierre Buyoya, the national assembly and 17 political parties. Thus, this agreement is the founder of the transition process to get out of the crisis and prepare for democratic elections.

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### **1. Brief history of commissions in Burundi**

To get aid from the West, newly independent African countries should follow a democratic process.

In 1990, in Baule, a Franco-African summit had on its agenda the question of the debts of African countries and the democratization of political institutions.

The speech of democratization of the African countries of François Mitterrand was followed and executed by many African presidents and one saw the birth of the commissions in charge of the setting up of the pluralist institutions.

So, democracy in Africa in general and in Burundi in particular is not just the result of a constraint but also African countries should move to another era; adapt to the ideas and ideologies of the moment, that is, liberal ideas.

Independent Burundi has a history of red dates due to a litany of genocidal identity crises: 1965, 1972, 1988, 1993<sup>2</sup>. These hard times are the "ethnics". The 'events of August 1988'<sup>3</sup> jostled national politics. A series of far-reaching measures changed the Burundian political landscape. It was in this connection that a national commission to study the question of national unity was created (October 4, 1988).

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<sup>2</sup> J. Berchmans Ndhokubwayo, the 1972 crisis in Gitega province, publicly defended thesis for the purpose of obtaining the Bachelor's degree in history in political science option at university of Burundi, June 2016

<sup>3</sup> Philbert Nkurunziza, the crisis of Ntega-Marangara and its consequences, thesis defended at University of Burundi in order to obtain the Bachelor's degree in History in political Science option in June 2016

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It was composed of 24 ethnically parity personalities. According to some analysts<sup>4</sup>, the problem of the Commission was not mono-ethnic or monopartisan, but that linked to the 'non-neutral' criteria of choice of members. Thus, the composition of this commission contained in itself the blocking elements. The independence of the work of this commission was therefore sufficiently regulated.

The wave of democracies thus arrives in this climate of frustration and the most immediate to calm the situation which began to have a turn that is not the best, was to organize transparent and credible elections. The government was too partisan to hold credible elections; the question was which organ will be responsible for organizing the elections? It is therefore imperative to organize elections in an appropriate and transparent institutional framework and in the hands of an impartial and autonomous management body. This is the genesis of the idea of an independent commission that deals with elections in Burundi.

## **2. The 2010 independent national electoral commission (CENI) in Burundi**

The establishment of the independent national electoral commission (CENI) for the preparation of the 2010 elections in Burundi has been the cause of a strong controversy between the national council for the defense of democracy-defense force democracy commonly referred to as CNDD-FDD<sup>5</sup> and the opposition parties. The text on the creation, missions, organization and functioning of the CENI was reviewed on December 12, 2008 by pressure from the opposition parties. The first decree relating to this, that of June 18, 2008, was met with energetic protests by these parties. Also, the composition of the commission as proposed by the President of the Republic was challenged by the opposition and rejected by the Senate. It was necessary to force the

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<sup>4</sup> E. NTAKARUTIMANA, *National Consultations in Burundi: Experiences, Challenges and Strategies for the Implementation of Transitional Justice Mechanisms*, OAG, Bujumbura, February 2009, p. 47

<sup>5</sup> Political party on power since 2005 in Burundi

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dialogue with the President of the Republic to establish a consensual commission deemed impartial.<sup>6</sup>

After overcoming the ordeal of setting up a consensual CENI, the revision of the electoral code has created new controversies. At the root of the disagreements was essentially the question of the order of the polls which, for the presidential party, was to begin with the presidential election, counting on the popularity of the incumbent president, Pierre Nkurunziza, to win all the polls. This calculation was also one of the determining factors in the appointment of the latter as a candidate for his own succession and this despite rumors of internal divisions in relation to this application. Opposition parties, on the other hand, defended the sequence of polls that started at the grassroots level and thus by the communal elections. Another disagreement was on the type of ballot to use, according to the CNDD-FDD preference, the multiple ballot. The choice of the multiple ballot, as used in 2005<sup>7</sup>, gives room for possible pressure and threats on voters. The opposition parties, on the other hand, defended the use of the single ballot. Finally, compromises were found and allowed the adoption of the Electoral Code on 18 September 2009, based on a 'sufficient' consensus, including the organization of communal elections in the first place using the multiple ballot. The issue of the issuance of the national identity card (CNI) has provoked a new crisis between the opposition parties and the presidential party. Since the possession of this document was a condition for obtaining the voter's card, its distribution became an election issue. According to the opposition parties, this distribution by the local administration, largely dominated by the CNDD-FDD, was done selectively and thus in favor of the ruling party's activists, while disadvantaging this distribution of cards supporters of other political parties. The CENI

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<sup>6</sup> Observatory of Government Action (OAG). 2009. State of play of parties Burundian politicians on the eve of the 2010 elections. Bujumbura.

<sup>7</sup> The elections that preceded those of 2010 and brought to power the party CNDD-FDD

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finally solved the problem by making available to enumerators another voter identification document that allowed everyone to be enlisted without any hindrance.<sup>8</sup>

### **3. Composition, organization and operation of the CENI**

In general, the CENI guarantees freedom, impartiality and independence of the electoral process. Its members are appointed by decree after having been previously approved separately by the National Assembly and the Senate by a three-quarters majority.<sup>9</sup>

This commission is then responsible for organizing elections at all levels, ensuring that elections are free, fair, and transparent. It also proclaims the provisional results of the elections within a period defined by law. Its terms of reference also include everything related to the legal framework such as the arrangements, the code of conduct, hear complaints about the electoral rules and respond to them. And here his decisions are without appeal. This commission ensures non-violence and respect for the constitution during campaigns.

Burundi's CENI 2010 also follows this guideline in its organization. Its operation is governed by Decree number 100/22 of 20 February 2009 on the organization and functioning of the national independent electoral commission.<sup>10</sup>

In 2010, it was composed of five members including a president, a vice-president and three commissioners: Pierre Claver Ndayicariye, president of the commission, Marguerite Bukuru vice-president, Julius Bucumi in charge of electoral, logistical and Legal Affairs, Adelaïde Ndayirorere commissioner for finance and administration and Prosper Ntahorwamiye in charge of civic education and communication.

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<sup>8</sup> European Union (EU). 2010a. Burundi: final report of communal, presidential, legislative, senatorial and hill elections 2010. Bujumbura: Mission . Election Observation European Union.

<sup>9</sup> Art 89-90 of Law No. 1/010 of 18 March 2005 promulgating the Constitution of the Republic of Burundi

<sup>10</sup> BOB N ° 2 bis / 2009 p.440

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The staff of this commission is composed of as many support executives, collaboration agents and service agents as needed.

With regard to the members of the electoral commission, they take office after an oath by committing themselves to the respect of the constitution and the charter of the unit and to organize the elections in all independence, probity, impartiality and patriotism.

This commission meets as often as necessary on convocation of the president or his vice-president in case of impediment of the president.

Also, when three members of the commission so request, the chair is required to convene the meeting.

The commission decides by consensus or by default by a majority of 4/5 of its members.

It enjoys organic autonomy and financial management. It reports on its management in a report addressed to the President of the Republic with a copy to the Ministry having the territorial administration of its attributions as well as to the president of the court of auditors and at the latest on March 31 of each year.<sup>11</sup>

As for the financing of the 2010 elections, resources came from state grants, funds from bilateral and multilateral donors, and donations and legacies. Due to a lack of public funding for campaigning, most parties struggled to secure a major election campaign, so that only a minority of the 24 parties and five independent candidates competing had real visibility on the ground. In addition, the CNDD-FDD had resources far superior to those of the opposition parties and this partly by using the resources of the state. Although this practice is prohibited

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<sup>11</sup> Idem p. 441

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by the electoral code, it has not been sanctioned by the authority in this area, the CENI.<sup>12</sup>

The 2010 Election Commission experienced many difficulties in organizing the elections. Many of the writings<sup>13</sup> point to a number of irregularities before the start of the polls, such as the registration of minors on the electoral lists, falsified identity cards sometimes brought by administrative officials who were even pressuring the recording agents. This difficult beginning was not going to generate a good result. The vote was marked by an almost open war between the opposition parties and the one in power.

The opposition parties ended up boycotting parliamentary and presidential elections because, according to them, the CENI has been bending from the beginning. On the day of the presidential election things were worse, the situation was very bad: As an indication, three days before the elections, there was an explosion of three grenades in the localities of Buyenzi and Kamesa killing one and two wounded according to the FIDH report. And also the morning of polling day was not the most beautiful because we recorded five grenades, three in Bujumbura and two in the north of the country; the attacks make 8 dead and 60 wounded according to our source.<sup>14</sup>

High diplomats too were not spared. A search is being made in the home of Agathon RWASA, the main opposition leader, accusing him of arming his supporters whom they say cause insecurity.

The relations between political parties and CENI have deteriorated until making an extreme decision to withdraw from the competition accusing the commission of failing to prevent fraud.

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<sup>12</sup> The 2010 elections in Burundi: what future for democracy and peace? Dr. Eva Palmans is Program Officer at EISA-Madagascar

<sup>13</sup> see the bibliography

<sup>14</sup> FIDH, the 2010 elections: A test not to be missed to consolidate peace, Bujumbura, May 2010 p.37

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As for the international community, various reports have shown that the presidential elections did not take place in a calm atmosphere.

**4. The problem of the creation of election commissions as a  
factor limiting their independence**

The electoral commissions are generally created by the executive power on the proposal of the various electoral actors.

In Burundi, it is precisely the President of the Republic who appoints an Independent National Electoral Commission responsible for the entire electoral process from beginning to end, from the promulgation of the electoral code to the proclamation of the results.

The creation of such a delicate commission can only be of concern to all those who are interested in the electoral lottery among other political parties, civil society, the international community, the media, voters, etc.

This commission is primarily independent to win the trust of those who are in the competition it organizes. But a question arises when the creator of it, is a candidate. Would it be easy for the CENI not to give in to the whims of its leader? The opposition also wants to ensure that it can control the institution organizing the elections well.

It is for this mastery as POKAM says that the actors are mobilized around the electoral commissions for their creation because they serve their interests whether it is the maintenance or the tilting of the existing order; or "modification or preservation of the position occupied in the political field".<sup>15</sup>

It is the balance of power that makes the law: the power has more means to stay in business. Here we can highlight the case where in 2010, the commission set up was contested by almost all political

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<sup>15</sup> HERMET G., *The transition to democracy*, Paris, P.U.F, 1996 p 119

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parties except the one in power<sup>16</sup>. They say that the very fact of not renewing the 2005 CENI is that the power wanted a commission that it can handle or a commission "close" to it. The CENI resulting from the presidential nomination is unbalanced in favor of power.

The case of 2010 is an example that illustrates that the CENI is tailor-made for the victory of the ruling party. Even challenged since its inception, it has not been canceled or changed.

On the other hand, the CENI 2010 has been criticized by CNDD-FDD for recruiting its executives in opposition circles and the government has blocked the payment of part of the operating costs for two months.<sup>17</sup> Yet the genesis of independent election commissions was to reduce the grip of power over electoral management through the Minister of the Interior. Blocking operating costs can be seen as a show of force by the government to signal to CENI that it is not as independent as it thinks and has a say or demand in the electoral process. Burundi has experienced the consequences of a CENI challenged from its inception in the 2010 elections when a large number of political parties withdrew from the competition after the communal.

This shows us that for a commission to carry out its mission, it must first be able to inspire confidence in the electoral actors. Thus, the results can also be accepted because the electoral commission is considered neutral.

Speaking of power-election commission relations, one can find on the ground a relationship of interdependence: when the CENI of 2010 was created opposition parties and associations of civil society began to accuse him of bias. It is only the party in power that found it independent, which is logical especially since it is the President of the Republic who names it comes from the party in power. He cannot

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<sup>16</sup> IWACU Magazine, Nr 32, September 11, 2009, Bujumbura, p.3

<sup>17</sup> VANDENGINSTE S. (2010), *Op. Cit.* p 21

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detach himself from his political family who put him in this prestigious position.

With the 2010 elections, the Burundian people had already begun to become familiar with the notion of democracy, it is aware that the institutions must result from elections. The great advantage is the stability of the country with all the consequences relating to it among others the support of donors and foreign investors.

However, since its creation, it faced a challenge from the opposition already treating partial. Nevertheless, the missions of this electoral commission give it a great importance, which explains its tugging by the electoral actors.

### **5. The role of law in the independence of the CENI**

An electoral commission is closely linked to the laws that govern a nation.

Burundi's CENI is a legal institution created by presidential decree. It is governed by laws such as the constitution, the electoral law as well as the internal regulations it establishes and approved by the Ministry of the Interior. These legal instruments are there to protect and limit it in its actions.

These laws whose mission is to regulate the electoral process to prevent frequent contesting of elections, can hide a certain ambiguity in them. Sometimes the electoral laws are drafted in terms favorable to divergent interpretations.

For example, the fact that the Burundian constitution provides for the appointment of the electoral commission by the President of the Republic may provoke questions about the degree of independence of this electoral institution.

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Yes, there is proposal of different political actors but it remains that "the force to the game" <sup>18</sup> is on the side of the party in power.

This force in the game is manifested in the determination of missions, roles, mandate, ... by a decree of a partisan and sometimes candidate president (for the Burundian elections of 2010).

According to NGENDAKUMANA L., "the presidential party wants to give the CENI legal instruments in this case the electoral code and the communal law that does not allow it to work independently". <sup>19</sup>

Let us admit that it is unthinkable on the part of the power which aspires to its own succession to put in the business someone who is not loyal to him or who will not facilitate him in his race to the maintenance of the power. Since we say we do not organize an election to lose it. <sup>20</sup>

Another observation relates to Article 22 of the decree concerning the organization and functioning of the CENI, which states that: "Any natural or legal person may refer to the commission for any act by a member of the commission which would be likely to disturb the good elections. The commission deals with the file and forwards it to the President of the Republic for a decision. In case of infringement, the public prosecutor seizes it after prior authorization of the commission". <sup>21</sup>

This article is very much disputed by the political actors in 2009. With a president of the Republic candidate to the elections, such an article can worry more than one. In case of appeal or complaint, the president will be at the same time judge and party.

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<sup>18</sup> ELIAS N., What is sociology, Paris 1993, p.7

<sup>19</sup> IWACU Magazine N ° 32 of September 11, 2009, Bujumbura, p.3

<sup>20</sup> LISSOUBA P., President of Congo, quoted by KOKOROKO (D), Elections disputed: successes and failures, p1

<sup>21</sup> Article 22 of Presidential Decree No. 100/22 of 20 February 2009 on the organization and functioning of the Independent National Electoral Commission

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Or the CENI could receive a complaint from an individual against his own member with whom they constitute the same body. Which would be foolish. An ill-intentioned person can create a problem to keep this or that actor away. This was the case when six political parties demanded the expulsion of a governor from Kayanza, one of the country's provinces, from the list of candidates, accused of ordering to beat Nsabirihho S. to death in October 2009. As the case was not yet closed, the election commission decided to consider the presumption of innocence.<sup>22</sup>

These kinds of laws are a big handicap to the independence of the commission or often favor a biased interpretation when the laws are not clear and precise enough. This is the case of the communales of 2010 where there were no minutes.

Article 71 of the electoral code of September 2009 is stipulated as follows: "The minutes of the counting of the votes are drawn up in four copies, one of which is kept by the president of the polling station while the others are transmitted to the Commission respectively. Independent Provincial Electorate, Independent Electoral Commission and Agents ".<sup>23</sup>

Thus released, this article does not specify to which agent one must transmit the report.

Renate Weber, representative of the European Union, advises the political parties to have in their staff's legal advisers to be able to raise these shortcomings before the election and afterwards to the electoral commissions that they have to work without hiding anything and to post the results on polling stations.<sup>24</sup>

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<sup>22</sup> IWACU Magazine N° 64 of May 21, 2010, Bujumbura, p.7

<sup>23</sup> Article 71 of Law n° 1/22 of 18 September 2009 revising Law No. 1/015 of 20 April 2005 on the Electoral Code

<sup>24</sup> Iwacu Magazine N° 69 of June 25, 2010, p.3

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The opposition parties also rebelled against the law raising the presidential guarantee from three million to fifteen million francs. This can be interpreted as an exclusion of potential candidates.

These kinds of bills governing the conduct of elections are often at the service of the powers in office. This is why the independence of this institution is questioned by some observers or not-well-off actors.

Some articles of the 2010 electoral law favor the interference of power in the management of elections. As an example, article 22 of the decree of 20 February 2009 on the organization and functioning of the commission stipulates that: "(...) The commission deals with the file and forwards it to the President of the Republic for a decision. In case of infringement, the Public Ministry seizes it after prior authorization of the commission (...)".<sup>25</sup>

It seems from this example that the interference is legalized. If it is the President of the Republic who makes a decision concerning the sentence of a member of a commission which has itself created, we can afford to doubt the neutrality of the latter. Not only is the commission going to see its limited independence, but it is also at the mercy of the executive power which decides its fate, which will undoubtedly depend on the place of the interests of the President or his political family in the matter submitted to him.

In principle, one cannot be at the same time a judge and a party. And if the appeal concerns irregularities concerning a member of the executive, will the President of the Republic be easy to act in a neutral manner? Or how can a case not neutrally closed by the electoral commission be closed by a President of the Republic candidate, who has presented the draft electoral code.

When the ruling party accused the CENI of 2010 of recruiting members of the Burundi Front for Democracy (FRODEBU) and the

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<sup>25</sup> Article 22 of Presidential Decree No. 100/22 of 20 February 2009 on the organization and functioning of the Independent National Electoral Commission

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Union for National Progress (UPRONA), the Minister of the Interior blocked the second tranche of the budget of its operation. She sees the salaries of her executives frozen for two months. Punishment or "disciplinarianisation" in the logic of Professor Jean-Salathiel Muntunutiwiwe?<sup>26</sup>

The case begins with the position of voter registration officer. At first there were no problems because he was recruited given his skills and experience in computer science. Until the day he wanted to occupy two positions simultaneously: Chief of Operations and responsible for the file. But the second is under the orders of the first. In other words, he did not want to be controlled. Only two days later, he slammed the door and war breaks out between CENI and power: she is accused of recruiting frodebists and upronists. It will turn out later that the computer engineer was also a party activist.<sup>27</sup>

Political parties do not start on the same footing in this election race. There are those who will be pampered more than others.

There are plenty of examples: in June 2009, the opposition parties expressed their dissatisfaction with the fact that the ruling party has already started the election campaign.

On this issue, the president of the CENI responded that: "There are those who are in the management of power but also in the political struggle of tomorrow. Sometimes the status they occupy allows them to better prepare this political fight. They (opposition) would like to behave like those who are in the management of the country."<sup>28</sup>

This shows how this commission does not spare the opposition parties by reminding them that the party in power has the force to play in this lottery that is elections.

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<sup>26</sup> Iwacu Magazine N° 32 of 11 September 2009, p.3

<sup>27</sup> idem

<sup>28</sup> Magazine Iwacu N° 26 du 19juin2009, Bujumbura, p

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Also during the electoral period, when article 43 of the electoral code ordered the CENI to take charge of the agents appointed by the parties, testimonies came to our attention that only the proxies of the party in power could have had to eat and to drink.

Opposition parties said it was not easy for their pro-militant proxies to spend hours without eating or drinking a glass of water. They call it physical torture. As a result, the agents, tired and hungry, withdrew before the end of the counting and the signing of the minutes in the commune Rugombo.<sup>29</sup>

With all of these examples, we have found that political parties are not treated the same whether they are near or far from power. The ruling party is not only eager to stay in business but also has the means that other parties do not have. He has the legal instruments that he can cut to his size or interpret according to his need, the public media are often at his service, the police to intimidate or curb rivals, the local administration often partisan that can be his service, etc.

## **6. Internal relations at the CENI**

At the national level, the commission is composed of five members called commissioners. These five commissioners are complementary in their roles and decisions are taken consensually: The 3/5 in 2010 could pass a decision.

The Burundian Electoral Commission, at all levels (national, provincial, communal) is composed of members from various sources (political parties, civil society, independent). This diversity of representation initially promises a transparent collaboration between political actors but it can also violate the smooth running of the electoral process. Examples have shown members of the CENI who fail to detach from their political cap.

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<sup>29</sup> Iwacu Magazine N ° 65 of May 28, 2010, p.3

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Still talking about internal relations to the commission, the rules of procedure provides that the president of the Independent Provincial Electoral Commission (CEPI) can have a look at that of the Independent Communal Electoral Commission (CECI) which seems a little absurd. Since the difference between CEPI and CECI is just cartographic.

In short, the electoral commission as conceived in our country can be attacked from outside and also from within, as the above-mentioned examples have shown.

The strength of its struggle for its effective independence lies first and foremost in the responsibility of its members and in their conviction to serve above all the cause of the nation before their own interests.

### **7. Interactions between CENI and civil society**

Civil society is active mainly in civic education and observation of the electoral process.

In 2010, according to the CENI report, she played a major role in mobilizing the female gender to elect and be elected and to young people for the prevention of electoral violence.

Called rectifier of wrongs by Raymond Aron, the civil society was often associated with the opposition. Thus considered because by coincidence, it presents the negative balance sheet of the outgoing power. Its visibility is not welcome for power because it is his obstacle especially during the election period. The denunciations, often identical to those of the opposition parties, delegitimize the party in power. In 2010, it was necessary to reduce the field of action of the civil society by obliging associations to request authorization from the Ministry of the Interior before carrying out any activity. Regarding this decision of the Minister of the Interior, the representative of the

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organization of the governmental action (OAG) will say that the power is afraid of the electoral evaluation in view.<sup>30</sup>

Civil society mainly plays the role of observer in the electoral process. She denounces the irregularities found on the ground. These are unions, associations, clubs, national non-governmental organizations (Ligue ITEKA, APRODH, OAG, etc. in Burundi) or international organizations (Global Rights, Human Rights Watch).

In the case of 2010, relations between civil society and power were not good. An example illustrates the tensions between the government and the organizations that were involved in observing the exercise of power: The Manirumva cas. For having asked for justice, the president of the Burundian Association for the Protection of Human Rights and Detained Persons (APRODH) and the observatory of the fight against corruption and economic malpractices (OLUCOME) have been threatened and intimidation and the Secretary General of the Forum for the Strengthening of Civil Society (FORSC) was threatened with death until he fled the country for several months. For the government, this file shows how civil society tarnishes its image in the eyes of voters and the international community and serves the political opposition. In November, the authorization of FORSC was canceled by the Minister of the Interior which cancellation was suspended by the letter of December 5, 2009 from the Minister of the Interior following the reactions of the lenders.<sup>31</sup>

## **CONCLUSION**

Having an independent electoral commission is an undeniable progress; but this structural independence does not necessarily mean and does not automatically induce independence of action on the ground. This will remain to be conquered as long as our democracies are to consolidate. Independence, neutrality, apoliticism,

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<sup>30</sup> IWACU Magazine n ° 36 of November 6th, 2009, pp8-9

<sup>31</sup> VANDEGINSTE S., Great Lakes Africa, Yearbook 2009-2010, Antwerp, 2010, pp13-14

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professionalism, impartiality, transparency, integrity, efficiency and effectiveness are all values to promote in order to make the electoral process credible, in a perspective of consolidation of the democratic culture.

In this democratic struggle for the independence of the electoral administration, there are certain points that need attention in future reforms. We will mention among others

The mode of appointment of INEC members: as long as this mode will remain eminently political and the CENI itself numerically and politically dominated by political actors, it will be difficult to fully guarantee its independence of action. To claim the independence of the CENI does not necessarily mean that it is independent in fact. In addition to formal, structural independence, it is important to constantly struggle for independence of action. In accordance with the current mode of designation, the credibility of the CENI will always depend on the credibility of the electoral process which determines the majority in the National Assembly, hence the CENI.

Strengthening the electoral governance within the CENI: It would be more effective for the electoral governance that the Plenary of the CENI really functions like this "organ of conception, orientation, decision, evaluation and control of the CENI. To do this, it is good that the President of the CENI is not simultaneously President of the Plenary.

The link between the guarantee of independence of the electoral administration and a peaceful electoral process: peace is a value without price. Guaranteeing the independence, neutrality and impartiality of the electoral administration means guaranteeing peaceful elections, thereby consolidating peace in a post-conflict country like Burundi.

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The reform of the judicial system: we do not say it enough, but the CENI can never function satisfactorily, as long as the judicial system remains deliquescent. It has no jurisdictional power over electoral offenders, so we can talk about it. It depends on a system that does not work, or better that works, but the opposite of what is expected of him. If, therefore, the vital forces of society want to consolidate the democratic gains in electoral matters, they must now fight for effective and lasting reform of the judicial system, which should be able to impartially examine all electoral disputes.

The formation of political parties and their financing: it is necessary for political parties to appropriate the electoral process and contribute to the electoral education of their members. To do this, it is important that political parties obtain public funding. I know most compatriots are not hot for this funding, but it is both ethical and safe.

The independence of the electoral administration is a guarantee of peace and security for all. It is also more beneficial to political actors who need to be well elected to govern legally and legitimately. It finally avoids recurring political crises following the challenge of legitimacy.

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