



## **Local Council Elections – 24 August 2015**

### **PRELIMINARY STATEMENT Bujumbura, 27 August 2015**

## **Summary**

The United Nations Electoral Observation Mission (MENUMB), pursuant to Security Council Resolution 2137 of 2014 to observe and report on the Burundian electoral process before, during and after the elections, began its observation activities on 1 January 2015. MENUB presented its preliminary conclusions on legislative and communal elections on 2 July, and on presidential elections on 27 July 2015. The following are MENUB's preliminary conclusions on the conduct of the local council elections:

Given their nature, the local council elections did not garner much political attention compared to the legislative and presidential elections and took place in a broadly peaceful atmosphere. The major political developments in the country, including the swearing in of the President, did not directly impact the pre-electoral environment. Electoral campaign themes focused exclusively on local development issues.

Agathon Rwasa's decision to take his seat in the National Assembly facilitated co-operation between his faction of *Amizero Y'Abarundi* and CNDD-FDD representatives at the local level, while his erstwhile coalition partner continued to condemn the electoral process. Political and civil society actors and representatives of the opposition parties who boycotted the elections regrouped abroad and called repeatedly for the President's resignation. Requests for the resumption of dialogue remained unanswered.

The overall security environment continued nevertheless to be volatile across the country, particularly in Bujumbura. There was a surge in targeted attacks and assassinations against high-profile figures and political party members both in the opposition and the ruling party.

Media freedoms remained severely restricted and the security environment for journalists did not improve. The major private independent media that had been shut down prior to the legislative elections were prohibited from reopening. State-owned media provided minimal coverage of the electoral process.

The electoral administration performed its duties in a diligent manner, completing logistic tasks on time and managing satisfactorily the organization of the electoral campaigns for the local council candidates. However, communication between its various territorial levels was limited and interpretation of candidate nomination and campaign procedures was often inconsistent at the communal level.

Polling took place in an organized manner, and polling procedures were largely respected. The observed turnout was lower than for the legislative and presidential

**elections. Counting and tabulation were conducted expeditiously with an acceptable level of transparency. MENUB observed varied and sometimes inconsistent interpretation of counting procedures.**

**Based on the above observations, MENUB concludes that, from a technical perspective, the local council elections were adequately conducted and the overall environment more conducive to credible elections than the presidential and legislative rounds. But the process remained marred by lack of independent media access.**

**Pursuant to the United Nations Security Council Resolution 2137, MENUB will continue to observe the remaining stages of the 2015 electoral process. MENUB reiterates the Secretary-General's calls for the cessation of all forms of violence, respect of basic human rights and resumption of dialogue.**

## Preliminary Findings

### Overall Context

On 24 August, Burundians went to the polls to elect representatives for their local councils. In cooperation with the *Bashingantahe*, the traditional local authorities, local councils play an essential role in the mediation and settlement of community disputes and in the daily lives of Burundians.

In comparison to the two previous electoral events in 2015, the lead-up to the local elections was less politically charged. The street demonstrations, which had characterized the legislative and presidential pre-electoral environment, abated ahead of the local council elections. After Agathon Rwasa's decision to take his seat in the National Assembly (NA) in late July, the tensions between his *Amizero Y'Abarundi* coalition and the ruling party reduced considerably at the local level. At the central level however, this move caused a fracture within the coalition, with nine *Amizero Y'Abarundi* representatives elected to the NA refusing to take their seats.

Nevertheless, the security environment continued to be tense and volatile across the country and particularly in Bujumbura, with a surge in targeted attacks and assassinations against high-profile figures and political party members both in the opposition and the ruling party. Arbitrary arrests and detentions also continued. Several calls for the resumption of dialogue under the auspices of the East African Community and for the formation of a government of national unity remained unanswered.

Representatives of the civil society, political leaders and opposition parties who boycotted the legislative and presidential elections, many of them based in exile, regrouped under the umbrella of the National Council for Respect of Arusha Accord and Restoration of the Rule of Law in Burundi (CNARED). Since its creation in late July, the CNARED has been an outspoken critic of the President elect, and has called for his departure from power on numerous occasions.

On 20 August, in a surprise move, the President was sworn-in at a joint National Assembly and Senate session, ahead of the initially announced 26 August date. The presidential inauguration did not directly affect the pre-electoral environment.

### Legal Framework

Provisions for local council elections are laid out in chapter II of the electoral code, from Article 169 to 181. The electoral code's general provisions are complemented by the *Commission Electorale Nationale Indépendante's* (CENI) Regulation No. 79 of 12 August 2015. The regulation is vague on the role of party agents, assisted voting and candidate application procedures.

The local councils are responsible for monitoring the management of hills and neighborhoods, the smallest units in Burundi's administrative structure, and for safeguarding social peace. The country has 2913 local councils (2814 hill councils and 99 neighborhood councils for the urban areas) that are elected through direct universal suffrage. The candidate who obtains the highest number of votes is elected chief of local council and is supported by four councillors who only have consultative powers.

According to article 46 of the communal law, hill and neighborhood councils are responsible, in particular, for identifying local development activities and opportunities in consultation with the municipal administrations and for mediating, arbitrating and resolving local conflicts. As the executive decision-making powers rest solely with the municipal administrators, the impact that local councils exert on local development is limited.

## Election Administration

The communal electoral commissions (CECIs) are responsible for organizing the local council elections, with the CENI performing a supervisory and guarantor role. The decentralized management in this electoral process, coupled with limited and late instructions from the CENI, led to differing practices in candidates' nomination, the organization of campaign activities and polling procedures. MENUB observed limited communication between the CENI and its territorial structures, with directives and clarifications often transmitted verbally or through the state-owned radio.

The candidate nomination process was managed directly by the CECIs. The application period lasted officially from 24 July to 3 August. Due to the insufficient number of applications received, some CECIs decided to extend the application deadline. In the case of Bujumbura Mairie, applications were accepted until 18 August for CECIs that did not receive five candidates by the original deadline. On the eve of elections, there were still a few hills and neighborhoods with an insufficient number of candidates.

Intending candidates could apply only as independents. However, some observers were often informed that local political party representatives, especially from the ruling party, informally controlled the candidate application process. Most of the candidates were local councilors seeking a new mandate; in some cases, *Bashingantahe* members also applied. While CENI did not consolidate national statistics on the nomination process, MENUB estimates that the number of applications was slightly lower than that of the 2010 elections and that minority groups such as the Batwa community were underrepresented.

Ballot papers were locally produced, featuring a simple design including only the CENI's logo and a space for voters to add the candidates' names of their choice. The ballot format triggered different views on the validity and invalidity rules which were only partially clarified in the CENI's belated instructions. The other logistic preparations were properly conducted, despite growing electoral fatigue and financial constraints. Non-sensitive electoral material was received by the CECIs several days in advance, allowing the electoral staff to organize the delivery to polling stations in due time. The sensitive material and the missing non-sensitive material were delivered from CECI warehouses to polling stations the day before elections.

## Campaign Environment

The electoral campaign period began on 8 August and ended on 23 August. Political parties were precluded from organizing public events due to the non-partisan nature of the elections. Official campaign activities consisted therefore of CECI-run meetings where candidates could introduce themselves to the voters and present their programs. CECIs held meetings in almost all hills and neighborhoods in their respective areas. Despite logistical and financial constraints, CECI members accomplished this task in a responsible and professional manner. These meetings were also the only voter education efforts observed.

Countrywide, MENUB observed 43 CECI campaign meetings, noting a generally low level of enthusiasm towards local councils. In most of the country, participation in campaign meetings was rather low, with an average of less than 100 participants per meeting. Exceptions were observed in the provinces of Ngozi, Mwaro and Rutana, where participation was very high. The majority of participants in the meetings appeared to be above 35 years of age, and women's participation was slightly lower than men's. Youth turnout was very low. In many provinces, candidates complained about the lack of or late communication by CECIs, which allegedly prevented an adequate mobilization of supporters. In a few cases in the provinces of Cankuzo, Cibitoke and Bujumbura Mairie, some of the meetings did not take place or were postponed due to security reasons.

Even if candidates could only register as independents, MENUB observed that party affiliations could be reasonably inferred, and this largely reflected the current political landscape. Many candidates carried out campaign activities separate from the CECI-organized events. For these activities, candidates largely relied on informal door-to-door efforts which were supported and sometimes even organized by local political party representatives. In a few cases MENUB observers were informed of interference and direct participation by communal administrators in these events. As a consequence, truly independent candidates or those close to the opposition could not enjoy a level playing field. Candidate messages focused generally on the need for basic development projects such as renovating roads or enhancing education and health infrastructures. A small number of candidates focused on intra-community projects such as bridges construction and power generation. Female candidates focused mostly on gender representation issues.

Overall, the campaign period was relatively peaceful, especially outside Bujumbura. The participation of *Amizero Y'Abarundi* elected representatives in the activities of municipal councils contributed to the establishment of a more relaxed and co-operative atmosphere around the country, with very few cases of tensions between CNDD-FDD and *Amizero Y'Abarundi* supporters observed during the campaign.

## Media

Media freedoms remained severely restricted and the security environment for journalists did not improve. . On 2 August, a well-known Burundian correspondent working for an international media was detained by the National Intelligence Services (SNR) and brutally beaten. Independent journalists and media practitioners who remained in the country were reported to face consistent pressure and accusations of being “enemies” of Burundi. Many journalists remained in hiding and chose to report anonymously. International journalists also faced intimidation and resorted to short low-profile visits to Burundi instead of keeping a permanent presence.

The state-owned *Radio Television Nationale du Burundi* (RTNB) continued to be the main source of information for the population. The major private independent media that had been shut down prior to the legislative elections were prohibited from reopening. Even though some of their websites remained operational and provided basic coverage, their closure continued to prevent the electorate from enjoying a genuine debate on electoral issues. Despite limited internet access outside urban areas, social media emerged as an alternative source of independent information mostly for security updates and human rights violations. On the other hand, social media contributed to the proliferation of rumors as unverifiable information could circulate unchallenged.

MENUB monitored campaign coverage on RTNB, noting a significant lack of programs and editorial coverage dedicated to the local council elections. Security and internal affairs issues dominated the programming with rare appearances by public figures to discuss the local council elections.

## Human Rights Issues

The diminished political animosity of the campaign period did not result in an overall improvement in the respect of freedoms of opinion and expression, information, movement and association of the Burundians. Overall, the democratic space remained severely restricted.

Although not directly related to the local council elections, basic human rights such as the rights to life, security and physical integrity continued to be violated by the police, the *Imbonerakure*, and the security forces and intelligence services respectively. According to the United Nations Office of the High Commissioner for Human Rights (OHCHR), twenty-seven persons, affiliated to either the ruling party or opposition camps, were killed between 22 July and 21 August, bringing the total number of casualties to 103 since the beginning of the political crisis in April.

The period following the re-election of the President also witnessed a new trend of targeted political assassinations and an increase in grenade attacks targeting the police. Two high-ranking ex-army officers were killed in these assassinations, one being the President's top aide and the other a former army leader during the civil war in the 1990s. A prominent human rights defender escaped an attempted assassination.

## Participation of Women

Unlike the communal and legislative elections, these elections did not include quota provisions. This limited the number of women candidates. To encourage women's participation in local council elections, several non-governmental organizations organized targeted capacity-building activities. The *Dushirehamwe* organization was particularly active in women's rights and political participation. Search for Common Ground (SFCG) organized some mobilization activities for women in the provinces of Kirundo, Muyinga, Ruyigi and Makamba. Due to the political and security situation, civil society organizations such as COSOME, SPDDF, Burundi Leadership Training Program (BLTP) and Care International suspended their women's empowerment projects, thus limiting the opportunities to support women's political participation.

## Polling, Counting and Tabulation

On Election Day MENUB deployed 24 teams in all 18 provinces covering 79 municipalities out of 119. MENUB observers were present in 223 polling stations encompassing approximately 210 hill and neighborhood councils.

MENUB observed opening in 21 polling stations, the majority of which opened with some delay. However, opening procedures were overall followed. Electoral material was fully available in most of the polling stations visited and voting procedures were largely respected, with the exception of ink verification. MENUB observers noted cases of polling station members assisting voters, mostly due to the absence of third parties that could assist. This practice was against CENI's instructions.

The environment was generally considered conducive to free voting and polling staff performance was largely assessed as good. Voter turnout in the observed polling sites was low. Procedures related to the additional voter lists were not always respected. Candidate representatives were present in the majority of polling stations visited. Observers reported some cases where candidate representatives introduced themselves as representing a political party and even assisted voters, in contradiction with CENI regulations.

Polling stations closed in due time in most of the stations visited. Closing and counting procedures were largely followed with few exceptions regarding the interpretation of the rules about invalid votes and tally sheets compilation. Tabulation at CECIs was conducted expeditiously and with sufficient transparency.

*The United Nations Electoral Observation Mission in Burundi (MENUB) was inaugurated on 1 January 2015 following the Security Council Resolution 2137 (2014) in which the Security Council took note of the request of the Government of Burundi and mandated MENUB to observe and report before, during and after the 2015 elections. Since January 2015, MENUB officials have met with government officials, political party leaders, religious groups and leaders, media and civil society representatives to collect information on all aspects of the electoral process. MENUB follows the Declaration of Principles for International Election Observation endorsed at the United Nations in October 2005. Pursuant to its Security Council mandate, MENUB will continue to observe post-election developments, eventual complaints and appeals and the end of the electoral process. MENUB wishes to express its appreciation to the Government of Burundi, the CENI and all other Burundian authorities, political parties and civil society as well as the people of Burundi for their cooperation and assistance in the course of the observation. An electronic version of this Preliminary Statement is available <http://menub.unmissions.org>*

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